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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LAMALFA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 18, 2013.

I hereby appoint the Honorable DOUG LAMALFA to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

AIR FORCE ONE

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. COBLE) for 5 minutes.

Mr. COBLE. Mr. Speaker, I have heard some criticize the President for having played golf with Tiger Woods because Woods is not a favorable role model. The President's golfing is not my business.

But permit me to tell you what is my business: the frequent use of Air Force One and the related costs thereto. President Obama was the second most traveled President of all time for a single term, spending 95 days on 25 trips. In 2009, President Obama traveled more in his first year than any other President. President Obama spent 41 days traveling to 21 different countries.

The most updated figure, Mr. Speaker, on the cost per hour of operating Air Force One is in excess of $179,000 per hour. This is just a tiny fraction of the President's foreign travel plans, which includes backup aircraft, aerial tankers, motor transport, security and diplomatic personnel, accommodations, and advance teams.

The First Lady also has been actively traveling, making trips to Ireland, Africa, Western Europe, and Copenhagen. When flying solo, Michelle Obama would likely use a C–40B or C with a cost per flight-hour of between $19,000 and $26,000, or a larger C–32 passenger jet, which has a cost per flight-hour of in excess of $42,000.

Presidential entourages have grown quite large in the modern era as well, Mr. Speaker. President Obama was accompanied by more than 500 staff, including security, during his 2009 trip to London. At least 200 security agents alone will be involved in the President's current Africa trip.

I am not suggesting, Mr. Speaker, that we compromise safety or security, but the First Family, it seems to me, treats Air Force One and related aircraft as their personal toys—a very expensive toy, I might add. I will admit, Mr. Speaker, that Air Force One belongs to President Obama and his wife, but Air Force One also belongs to you and me and to every taxpayer in America.

I simply ask the President and his wife to exercise more prudence and discipline regarding their prided aircraft activities. When the wheels of Air Force One are up, the meter is on, and I'm talking about a heap of taxpayer dollars.

Finally, Mr. Speaker, the plague of the soaring debt continues to bother us. I respectively request that President Obama and his wife direct more attention to our soaring debt and deficit and less time on Air Force One.

The SPEAKER pro tempore. The Chair would remind Members to refrain from improper references toward the President.

BENGHAZI UNANSWERED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Mr. Speaker, I rise today to ask another question that has not yet been answered by the House. This question will be the third in a series of critical issues that have not yet been resolved. I will continue to raise additional questions for the next 9 legislative days until we depart for August recess, keeping in mind that the 1-year anniversary of the Benghazi attacks will be upon us when the Congress returns in September.

It is also noteworthy that there does not appear to be a single hearing on Benghazi scheduled in any committee between now and the 1-year anniversary. That is why, in the absence of public hearings to address these questions, I am raising them on the House floor this month.

On Tuesday, I raised the question on why none of the Benghazi survivors—whether the State Department, CIA, or private security contractor employee—have testified publicly before Congress.

Yesterday, I asked about whether there had been any intelligence failures in the vetting of the Libyan militias who abandoned the Americans at the consulate as the assault began. I also asked who provided the terrorists with a detailed understanding of the consulate property.

Today, I return again to the Benghazi survivors and other career employees and contractors working for the CIA, Defense Department, and the

State Department who were involved in the response, or the lack thereof, to the Benghazi attacks.

According to trusted sources that have contacted my office, many, if not all, of the survivors of the Benghazi attacks, along with others at the Department of Defense and CIA, have been asked or directed to sign additional nondisclosure agreements about their involvement in the Benghazi attacks. Some of these new NDAs, as they call them, I have been told, were signed as recently as this summer.

It is worth noting that the Marine Corps Times yesterday reported that the marine colonel whose task force was responsible for special operations in northern and western Africa at the time of the attack is still on Active Duty despite claims that he retired and, therefore, could not be forced to testify before Congress.

If these reports are accurate, this would be a stunning revelation to any Member of Congress—any Member of Congress that finds this out—and also, more importantly, to the American people. It also raises serious concerns about the propriety of the administration's efforts to silence those with knowledge of the Benghazi attack and response.

So today I ask: How many Federal employees, military personnel, or contractors have been asked to sign additional nondisclosure agreements by each agency? Do these nondisclosure agreements apply only to those under cover, or have noncovert State Department and Defense Department employees been directed to sign them, too?

Later today, I will be writing the CIA, Defense Department, and State Department to ask for a list of all of their personnel or contractors who have been required to sign original or additional NDAs relating to Benghazi. Perhaps, through a list of all the employees that have signed the NDAs relating to Benghazi, we may finally develop a witness list to subpoena for eyewitness testimony to learn what happened that night where we lost four American lives.

I do not expect the Obama administration to be forthcoming with answers, but if this Congress—if this Congress—does not ask for the information and compel delivery, the American people will never learn the truth. Any Federal employee or contractor who has been coerced into silence through a nondisclosure agreement should expect Congress to speak out on their behalf and compel their voice to be heard.

That is why I, along with 159 of my colleagues, support a select committee to hold public hearings to learn the truth about what happened that night in Benghazi. I say to any colleague who is not on our resolution, if you are not on our resolution, please get on so we can find the truth for the American people.

CLIMATE CHANGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Mexico (Mr. BEN RAY LUJÁN) for 5 minutes.

Mr. BEN RAY LUJÁN of New Mexico. Mr. Speaker, as fires across the West grow more intense and superstorms in the United States do more damage, it is clear that the cost of inaction on climate change is growing. The economic toll that it is taking on communities across the country is impacting the American people.

Hurricane Sandy cost the United States $70 billion in damages, many lives, and lost economic output. In my home State of New Mexico, where wildfires have burned all summer, many communities that rely on tourism and access to our majestic lands have seen their businesses negatively impacted. Farmers and ranchers in New Mexico have had to sell off their herds because of drought conditions that made it too expensive to feed their animals.

Opponents of efforts to address climate change and to transition to cleaner fuels and renewable energy often cite the cost of these efforts. What they fail to account for is the increasing cost that global warming is having in the form of more severe droughts, more dangerous wildfire seasons, and increased devastation from superstorms.

Mr. Speaker, if we continue down this path and fail to take steps necessary to address climate change, the costs will only continue to grow and the impact on our communities will only increase.

Last week, I joined my colleagues in the Safe Climate Caucus in sending a letter to Speaker BOEHNER asking him to schedule a debate on the House floor to discuss climate change and our Nation's response to this growing threat.

The time for action is now. We must not sit idly by and ignore the facts and ignore the science while communities in New Mexico and across the country experience the negative impacts of climate change.

TRACK THEM DOWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, it was September 1972. People from all over the world were gathered in Munich, Germany, for the Olympic Games. After World War II, there was a feeling of optimism and unity. But overnight, those feelings turned to turmoil and turned to terror.

The world awoke to images of a deadly terrorist attack in the Olympic Village. A terrorist group called Black September took 11 Israeli hostages and massacred them. In response, the Israeli Government did not hesitate. The Israeli policy was: you will not murder Israelis anywhere in the world.

So for 20 years, Israel hunted down the killers all over the globe, from Paris to London to Beirut to Stockholm. With its response, one thing became clear to the terrorists: if they hurt Israelis, there would be consequences, and the consequences would not be pleasant. Israel would find them, and Israel did find them.

So flash-forward 40 years. On the 11th anniversary of 9/11, there were once again attacks on American sovereign soil. In Egypt, militants stormed the U.S. Embassy. In Libya, our Ambassador, Chris Stevens, and three other Americans were brutally murdered.

There has been no accountability or action from this administration regarding these crimes. All Americans have received are grainy surveillance photos and some empty promises.

Where is the justice for these families of these four victims? The identities of some of the attackers are known. Why have we failed to go get them?

When America has been tested by terrorists in the past, we have gone after them, just like Israel has done.

In 1996, 19 American soldiers were murdered in Saudi Arabia. The United States responded.

In 2001, when 3,000 people from all over the world were murdered here in the United States, we responded. President Bush said:

> The search is under way for those who are behind these evil acts. I've directed the full resources of our intelligence and law enforcement communities to find those responsible and bring them to justice.

Is that our U.S. policy today? Well, we don't know. We don't know what the current U.S. policy is about Americans killed overseas. All we get is a lot of words with no results from the administration.

Our enemies continue to test us because they no longer fear us, Mr. Speaker. The world no longer knows where America stands on terrorist attacks—not our allies, not our enemies, and not American citizens.

So what is our policy when a U.S. Embassy is attacked? More broadly speaking, what is our foreign policy in north Africa? North Africa is a breeding ground for terrorism, and al Qaeda affiliates are being trained and expanding across the entire African continent.

Earlier this year, on January 16, al Qaeda-linked terrorists affiliated with Mokhtar Belmokhtar took 800 people hostage at a gas facility in Algeria. One of those hostages killed was Victor Lovelady, a neighbor of mine in Atascocita, Texas. Victor's brother, Mike Lovelady, testified in front of our Terrorism Subcommittee last week. His family deserves answers from this administration about what happened in Algeria when Americans were killed.

□ 1015

Who are these terrorists in Benghazi? Who are these terrorists in Algeria? Have these ringleaders gotten away with these murders? Is the massive intelligence service of the United States

of America not capable of finding these people throughout the world?

Maybe the intelligence service ought to spend a little less time snooping around in the private lives of Americans and go after terrorists overseas, but that's a different issue.

The Loveladys deserve justice. They lost a father, a brother, and a husband.

These attacks in North Africa prove that Osama bin Laden may be dead but that terrorism is still alive and well. If terrorists do not know the consequences of their actions, they will not fear any consequences. That is the world in which we live.

It's time, maybe, that we articulate a policy and mean it. If you attack Americans, America will come after you. Come hell or high water, we're going to track you down somewhere in the world. The Libyan and Algerian killers must meet the same fate as the members of the Black September group.

So, Mr. Speaker, when you talk to the President, tell the President to track these people down. Let them know they cannot run, they cannot hide, they cannot disappear into the darkness of their evil ways—because justice is what we must have. Justice is what we do in this country.

And that's just the way it is.

WATER FOR THE WORLD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, it looks like we dodged a bullet with the Prince George's water emergency, but wasn't it fascinating to watch all of the frantic activity that was necessary to deal with a planned 4- or 5-day period where people would be denied something that virtually all of us take for granted? Safe drinking water when they needed it, as much as they need to drink, to bathe, to flush the toilet, to clean their dishes, to wash their clothes. The prospect of almost a week without water service really turned people's lives upside down.

I'm glad that there is a temporary fix that may have solved the problem at least for the foreseeable future, but I hope that it will serve as a wake-up call because, in the United States, frankly, we are spoiled. We take for granted something that 2½ billion people around the world cannot: having adequate sanitation and safe drinking water.

That's why I'm introducing legislation, Water for the World, with my colleague Congressman POE from Texas, to enhance the efforts of the United States to be a partner to help poor people around the globe have access to what is a global problem, but we also need to do more at home. The challenges of climate change, combined with aging, inadequate water and sewer systems in the United States, place us at risk. We have 80 percent of our population served by over 50,000 community water systems that have facilities with a life span of 15 to, maybe, 95 years.

It was a wake-up call here in Washington, D.C., where the average water pipe is more than 77 years old. I remember a trip to Cincinnati—the scene of the first municipal water agency in the United States. They have something that is not unusual. Cities still have some pipes that are brick and wood, dating back to the 1800s. You can find this around the country. That's why it has been estimated that 1.7 trillion gallons of water—1 out of every 4 gallons—leaks before it reaches the faucet. That's 7 billion gallons a day. Think of 11,000 Olympic-sized swimming pools. If you were to place them end to end, they'd go basically from Washington, D.C., to Pittsburgh.

We need to have a national effort to provide the almost $10 billion that the engineering community estimates will be necessary by 2020 to avoid regular service disruptions like was threatened in Prince George's County. We need to move forward with bipartisan legislation—with the Water Resources Development Act, the WRDA bill—that, if you'll pardon the phrase, has been bottled up. I hope House Majority Leader CANTOR allows that to come to the floor. It has bipartisan support. It authorizes investments that would help deal with water resources for the country now, would prevent emergencies in the future and, by the way, would put tens of thousands of Americans to work all across the country.

With aging systems, water stress, drought, flood, we are just going to see more of the same going forward only on a scale of challenge that, until recently, was unimaginable. Let's use this as a wake-up call for Congress to step up and do its job not only with water and sanitation abroad but with water and sanitation at home, flood control, navigation—the energy challenges that are profound because of disruption to water. Let's start by an undertaking now on the scale that we know we can do and that is so important for our future. If we do, we won't just prevent problems like Prince George's was facing, but all of our communities will be more livable, our families safer, healthier and more economically secure—and by the way, it's the fastest way to jump-start the economy.

JOHN PAUL POWERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. FLEISCHMANN) for 5 minutes.

Mr. FLEISCHMANN. Mr. Speaker, last week, an incredibly gifted young man from east Tennessee, John Paul Powers, displayed his talents here in Washington at the Kennedy Center as part of the National Youth Orchestra of the United States. The orchestra, created by Carnegie Hall's Weill Music Institute, brings together some of our Nation's most talented young musicians from across the country to work and study together and then to display their talents both here and abroad. In fact, they're scheduled to perform tonight in St. Petersburg. Their tour also includes performances in London, Moscow and New York.

John Paul plays the tuba in his role with the orchestra, but that's not his only musical talent. His repertoire includes the bass, guitar, mandolin, banjo, and even a little dobro at times. While his musical range is wide, the tuba is his passion.

I want to personally congratulate John Paul for achieving the distinct honor of being selected for the National Youth Orchestra. There is no doubt that the diligence, work ethic and passion he has shown will continue to benefit him in life. I would like to wish John Paul the best with his future studies and his dreams of one day professionally playing with an orchestra.

GREENS GONE WILD

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. I rise today to warn of the latest episode of a saga that can best be described as ''greens gone wild.''

It involves the U.S. Fish and Wildlife Service proposal to declare 2 million acres in the Sierra Nevada Mountains as ''critical habitat'' for the Sierra Nevada yellow-legged frog and the Yosemite toad under the Endangered Species Act. That is essentially the footprint of the Sierra Nevada Mountains from Lassen County, which is north of Tahoe, to Kern County, which is just outside of Los Angeles. This designation would add draconian new restrictions to those that have already severely reduced productive uses such as grazing, timber harvesting, mining, recreation and tourism, and fire suppression.

And for what?

Even the Fish and Wildlife Service admits that the two biggest factors in the decline of these amphibian populations is not human activity at all but, rather, non-native trout predators and the Bd fungus that has stricken amphibian populations across the Western United States, neither of which will be alleviated by this drastic expansion of Federal regulations. The species that will be most affected by this action is the human population, and that impact will be tragic, severe and entirely preventable.

For example, timber harvesting that once removed the overgrowth from our forests and put it to productive use, assuring us both healthier forests and a thriving economy, is down more than 80 percent since the 1980s in the Sierras—all because of government restrictions. The result is more frequent and intense forest fires, closed mills, unemployed families, and a devastated economy throughout the region.

Existing regulations already effectively put hundreds of thousands of acres of forests off-limits to human activity through such laws as the Wilderness Act, the Wild and Scenic Rivers Act, the Clean Water Act, the National Environmental Policy Act, not to mention a crushing array of California State regulations. This proposal by the Fish and Wildlife Service would vastly expand those restrictions.

This policy seems to be part of a much bigger picture. In Yosemite National Park, for example, the Department of the Interior is proposing to expel longstanding tourist amenities from the valley and lock in a plan that would result in 27 percent fewer campsites than it had in 1997 and 31 percent less lodging. Throughout the Sierra Nevada, the U.S. Forest Service is closing access to roads, imposing cost-prohibitive fees and conditions on cabin rentals, grazing rights, mining and, of course, timber harvesting while obstructing longstanding community events on which many of these towns rely for their tourism.

The one common denominator in these actions is an obvious desire to discourage the public's use of the public's land. Gifford Pinchot, the legendary founder of the U.S. Forest Service, always said the purpose of the public lands was the ''greatest good for the greatest number in the long run.'' John Muir, the legendary conservationist responsible for preserving Yosemite Valley, did so, in the words of the legislation he inspired, for the express purpose of ''public use, resort and recreation.''

These visions for the sound management of our public lands that were held by the pioneers of our national parks and forest systems are quickly being replaced by elitist and exclusionary policies that can best be described as ''look, but don't touch; visit, but don't enjoy.''

No one values the natural resources of the Sierra Nevada more than the people who live there and who have entrusted me to speak for them in Congress. These communities have jealously safeguarded the beauty of the region and the sustainable use of the lands for generations. Their prosperity—and their posterity—depends on the responsible use and stewardship of these lands.

Now Federal authorities are replacing these balanced and responsible policies with vastly different ones that amount to a policy of exclusion and benign neglect. We have a sacred obligation to future generations to preserve and protect our public lands, but protecting our public lands for future generations doesn't mean we must close them to the current generation.

OBAMACARE SHOULD BE DELAYED PERMANENTLY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri (Mr. SMITH) for 5 minutes.

Mr. SMITH of Missouri. Mr. Speaker, I rise today to call on President Obama to delay his health care mandate for all Americans. ObamaCare is simply too overreaching, too intrusive, too unworkable, and too destructive for families across our Nation and in my home State of Missouri.

In the years since ObamaCare was forced through Congress, the American people's opposition to the mandate has only grown, and rightly so. Americans are seeing skyrocketing premiums, they are losing the health insurance they have, and employers are cutting jobs, hours and wages.

Last week, President Obama admitted that his health care mandate was flawed when he announced he would delay the employer mandate portion of the law for 1 year. Mr. Speaker, we don't need to only delay one section of the law; we need to delay the entire law permanently.

Since the beginning, the only aspect of President Obama's health care law that has been bipartisan is the bipartisan opposition to the mandate. Since 2009, the House of Representatives has voted over 30 times to repeal, defund or dismantle provisions of the law. As the newest Member of Congress, I will stand with my colleagues in pushing to defund and repeal the President's health care mandate.

□ 1030

THE CONSEQUENCES OF GOVERNMENT OVERSPENDING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma (Mr. LANKFORD) for 5 minutes.

Mr. LANKFORD. Mr. Speaker, last week in my hometown, thousands of families experienced their first week of a 3-month cut in pay.

These hardworking families aren't unaware of our Nation's fiscal problems. We all see that our Nation is rapidly approaching $17 trillion in debt. But a few years ago, Washington denied that this path would lead us the way of Europe and we would not experience pay and benefit cuts to solve our problems like Europe has. Well, here we are. Families are living on much less today as a direct consequence of government overspending for so many years and the mandate to get our economy back in balance.

In the past 3 years, Federal spending has been reduced, taxes have gone up, and the economy has actually experienced some rebound; but we're still overspending almost $700 billion a year, just this 1 year. That's down from $1.5 trillion in overspending 4 years ago, but it's still $700 billion in new debt that our Nation will take on this year.

We have to deal with the economic realities that we currently face because the spreadsheet where we see the negative numbers, those numbers represent families and people that face the negative consequences of our inactivity.

The GAO has identified multiple areas of government redundancy that waste money and where we fail to get the job done, but we seem to just nibble at the edges of fixing what is obviously in front of us.

Social Security disability is now 2 years away from insolvency, but no one seems to notice that if we don't fix disability insurance and get the people off disability that are using it just as unemployment, the most vulnerable in our society, the truly disabled, will face benefit cuts along with those folks that are just gaming the system.

The defense acquisition processes increase costs dramatically. Here's how it works. You get a prime contractor who pays a subprime, who pays a subprime, who pays a subprime. By the way, all of those are all the way through the path, and the last person has actually been someone who has done that job for years and years, and everyone knows it. Everyone knows the game, and everyone knows that in every part of that system there's a markup. The taxpayer is the one who loses on it. Let's fix that, because this affects families and lives.

Multiple defense procurement programs in the past several years have failed to produce a final product at all and have again cost taxpayers billions. Usually, our Federal civilian workforce can tell management exactly where we're wasting money, but sometimes no one's listening to them.

Those opportunities to save go untouched, costing more money in the long run and increasing our debt. Debt has a price for all Americans, but especially for the people working for our Nation.

So what does government debt look like today? For thousands in my district facing furloughs, families are cutting back on food, home repair, gas in the car, and every other expense.

A family I spoke with this past weekend will not have a summer vacation because of the furlough. That may not seem like a big deal to some people, but that's a lost significant family moment that they will never get back. Another family with two kids in college is currently trying to determine which kid won't go back to school this fall.

In some families, both parents are furloughed, making the problem twice as large. A single mom that experiences the furlough has a huge decision. This fall and just a month away, they're going to have to buy school supplies and clothes.

It's a serious problem. They're not a person just sitting at home living off Federal welfare, bemoaning the meager size of their check. They're members of our Federal family who work and give their lives to serve the warfighter.

As you would expect in our community, the community is stepping up. Tinker Federal Credit Union is working with families on their loan repayments, churches are providing school supplies, the Regional Food Bank is

giving additional food and is working to step up their provision. Many people, my family included, are giving financially to take care of people in need in this moment. Oklahomans are tough and we're caring, but I'm incredibly frustrated that it's come to this.

Regardless of your thoughts on the number of Federal workers on the payroll, surely we can agree that the families currently employed should be protected as much as possible. These families have carried the stress of this pay cut for a year now. For months they have wondered when and if it would come, and now it's here.

I've written numerous letters to the Department of Defense, asking them to exhaust every option in sequester before they reduce worker time and pay. To their credit, they've replied to all of my correspondence in writing within days, something other agencies in this executive branch could certainly learn from.

I've personally spoken face-to-face with Secretary Panetta, with now-Secretary Hagel, General Dempsey, and Comptroller Hale to find out about other opportunities to save money, like the unobligated balances in the defense budget. I asked for their reconsideration of operations that function on working capital funds. If you're not familiar with that, some departments pay other departments to do their work. Those departments should not be directly affected. The cuts have already happened in the other department. We're cutting twice when we hit on the working capital fund locations.

I asked Secretary Hagel to give more authority to individual installations to make local decisions on spending reductions rather than mandating cuts from the Pentagon.

Congress has already worked with the DOD to reprogram funds and to give maximum flexibility to the Pentagon to protect workers, just like we did with FAA and Homeland Security.

I'm grateful, I am, that the Pentagon has found a way to reduce furloughs from 24 days to 14 days and now to a maximum of 11. But I want to find a way that we can end these furloughs all together for our civilian workers as soon as possible. Three months with a 20 percent cut is tough.

In my last conversation with Senator Hagel, I was pleased to hear that he's still working on these ways. I urge him to continue to cut waste, not worker pay. It's time that we get this issue resolved.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 35 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. AMODEI) at noon.

PRAYER

Chaplain Major Howard Bell, 932nd Airlift Wing, Scott Air Force Base, Illinois, offered the following prayer:

Almighty God, we ask for Your divine blessing upon this Congress. We ask that You bless them as they share the privilege that befuddled Moses, challenged Churchill, and has driven some to amazing achievement—leadership.

We thank You for choosing leaders with integrity, who ably lead this country, who motivate us in our work, and ultimately promote freedom in the world.

Give to this Congress the wisdom of Solomon in the decisions they must make; the courage of David when faced with ''giants in the land;'' the strength of Samson to endure the daily grind; the patience of Job to deal with the ever-changing demands placed upon them; and the compassion of a parent with a hurting child.

Almighty God, we have confidence in our President, our Congress, and in our Nation—and especially in You as we boldly make these requests, trusting in You that they will be accomplished. It is in Your holy name we pray.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HOLDING. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOLDING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Missouri (Mrs. HARTZLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. HARTZLER 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.

WELCOMING CHAPLAIN MAJOR HOWARD BELL

The SPEAKER pro tempore. Without objection, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 1 minute.

There was no objection.

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Chaplain Howard Bell who led us in the opening prayer.

The tradition of the opening prayer began with the Continental Congress in 1774 when Reverend Jacob Duche of Philadelphia offered a prayer at its start. Since that time, the House has enjoyed over 200 years of service from the Chaplaincy of the House and our guest chaplains.

Chaplain Bell has faithfully served in churches in Missouri and Illinois since 1988. While serving his church, Chaplain Bell was commissioned a chaplain captain in the United States Air Force Reserves in 2002 and was assigned as an Individual Mobilization Augmentation to the 375th Air Wing at Scott Air Force Base.

In 2008, he was deployed to Afghanistan and assigned to the 455th Air Expeditionary Force at Bagram Airfield as the hospital chaplain, where he received the Army Commendation Medal. Since then, he has received the Air Force Commendation Medal, the International Security Assistance Force Medal, and the Afghanistan Enduring Freedom Medal. Chaplain Bell was also appointed wing chaplain of the 932nd Airlift Wing, where he supervises the ministry for nearly 1,200 airmen in the wing.

He is married to Reverend Penelope Barber and has two children, David and Rachel. Currently, he is the pastor of the Farina United Methodist Church in Farina, Illinois, and of the Louisville United Methodist Church in Louisville, Illinois.

It is my honor to welcome a man who encompasses so many of the wonderful qualities of the people of Illinois, and I would like to personally thank Chaplain Bell for offering this morning's prayer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 further requests for 1-minute speeches on either side of the aisle.

STOP THE FURLOUGHS

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, last week, more than 650,000 DOD civilians began the first of their 11 unpaid furlough days.

Our military—our men and women in uniform—and the civilians who support

our national security infrastructure simply cannot and should not have to bear this burden. Now men and women across the country—the engineers, architects, welders, and manufacturers—who have devoted their lives to our national security find themselves losing pay and struggling to get by.

Although the Navy, Marine Corps, and Air Force have said they would be able to complete the fiscal year without furloughs, the Secretary of Defense would not allow the service Secretaries to make their own decisions based on their individual budgetary constraints. The entire Department is now suffering as a result.

Mr. Speaker, this body has acted multiple times to end this process, and I urge the Senate and the President to offer their real solutions to this problem so that we can relieve this costly burden on our defense civilian workforce. These men and women who devote their lives to this country's service deserve better from their government.

IN RECOGNITION OF THE PASSING OF FORMER CONGRESSMAN BILL GRAY

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise with a great deal of sadness. I am saddened by the passing of my friend, William H. Gray, who represented the people of Pennsylvania's Second District in this House from 1979 to 1991.

Bill Gray was an historic figure. I had the honor of serving as vice chairman of the Democratic Caucus when he chaired the Democratic Caucus. He made history as the first African American Democratic whip from 1989 to 1991. As Budget chairman, Bill Gray played an instrumental role in setting the stage for the balanced budgets of the 1990s.

He was a leading voice against apartheid. Some of us just participated in a birthday celebration for Nelson Mandela in Emancipation Hall. Bill Gray was a leading advocate of changing the apartheid system in South Africa, and it was because of his efforts that we were able to enact sanctions against South Africa.

After retiring from Congress, Bill Gray led the United Negro College Fund, helping literally thousands access higher education and the opportunities that come with it. Throughout his tenure, Bill Gray continued to minister to the families of the Bright Hope Baptist Church as their pastor. His deep faith and enduring love for his fellow man was evident not only from the pulpit but from the committee rooms and on this floor.

I join my colleagues in expressing my condolences to Andrea and their sons, William, Justin, and Andrew, and in thanking them for sharing Bill Gray with all of us and with our country. We were privileged to serve with him, to know him, and to be his friend.

SMALL BUSINESS AND OBAMACARE

(Mr. HOLDING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLDING. Mr. Speaker, at a time when just under 60 percent of working-age Americans are employed, wherever there is potential for job growth we should seize the opportunity, and, clearly, small businesses provide opportunity. Although our economy has fluctuated and wavered over the last 15 years, in that time, small businesses have created 64 percent of net new jobs.

Mr. Speaker, just 8 percent of the President's Cabinet members worked in the private business sector prior to their appointments. This Cabinet has less business experience than the previous 19 Cabinets. It is no wonder this administration did not clearly recognize the harmful effects that ObamaCare would have on small business.

We should be helping small businesses by reforming our burdensome Tax Code and by curbing back excessive regulation. That is why, yesterday, the House passed the delay of the employer and individual mandates, but we must permanently repeal ObamaCare. The future of small businesses and families depends on it.

VOTING RIGHTS ACT

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to appeal for immediate action. Last month, the U.S. Supreme Court struck down the heart of the Voting Rights Act.

My dear colleagues, casting a ballot is our most sacred right. We have a moral duty to come together and rewrite this law in order to protect this precious right to vote. Though we have made great progress, racial discrimination and racial profiling continue to plague our society. The need for the Voting Rights Act is just as necessary today as it was in 1965.

On Nelson Mandela's 95th birthday, I am reminded that the human race has come a long way, but we must continue to make the impossible possible. I urge my colleagues to come together to update the Voting Rights Act.

DELAY OBAMACARE: IT'S ONLY FAIR

(Mrs. HARTZLER asked and was given permission to address the House for 1 minute.)

Mrs. HARTZLER. Mr. Speaker, this White House needs to learn a thing or two about fairness.

Why do they feel the need to delay the implementation of ObamaCare for businesses but not for individuals? If businesses get a break, why should hardworking Americans be left on the hook?

This law is unfair for everyone.

It's unfair to those who are going to have to pay more out of their pockets when their insurance premiums shoot up. It's unfair to workers who are going to see their hours cut because of the insurance costs. It's unfair to everyone who is going to have all of his or her personal medical information placed in the hands of a government bureaucrat.

It's unfair to every American across this country.

House Republicans believe that if you're going to give a break to Big Business you need to do the same for individuals and families. It's only fair.

MANDELA DAY

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, today, I want to wish a happy 95th birthday to President Nelson Mandela and ask my colleagues to join me in celebrating the fifth annual Mandela International Day.

It is a day on which we celebrate the incredible dedication of President Mandela and his gifts of leadership to South Africa and to the world. In fact, in the face of extreme adversity, he relentlessly fought for democracy and peace in South Africa, and has become a model of leadership for me and for millions around the globe.

Last night, I had the pleasure of meeting youngsters from all over South Africa at the South Africa-Washington International Program Forum. Because of President Mandela, these youngsters and many others have dedicated themselves to public service and to carrying on his vision of spreading peace, democracy and diversity.

Presidential Mandela has proven that one person can change the tide of oppression, that one person can change the course of an entire country and, in turn, of the entire world. People all around the globe who are suffering from oppression, hatred, and discrimination will forever be grateful for the incredible leadership of Nelson Mandela.

Happy birthday, Madiba.

CONGRESS MUST ENFORCE THE CONSTITUTION

(Mr. PITTENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTENGER. Mr. Speaker, I rise today to urge the Senate to join the House of Representatives in taking immediate action to delay the employer and individual health care mandates.

President Obama has conceded that Americans are not ready for

ObamaCare with its unworkable mandates and negative effects on the economy, so now President Obama does not have the authority to pick and choose which parts of the law to enforce or to ignore. His constitutional duty is to execute law as it is since the original ObamaCare legislation was passed by both Houses of a Democrat-controlled Congress. If the Senate fails to approve these delays, they will be allowing President Obama to sidestep the Constitution.

Mr. Speaker, we cannot allow President Obama to continue ignoring the Constitution. Congress is required to act. Law cannot be changed by a monarch via a blog post. We need to help the American people by delaying these unworkable mandates. In June, a report showed that we had lost 240,000 full-time jobs in this country. In North Carolina, they reported that health care premiums will go up 284 percent. The American people deserve better.

□ 1215

BENEFITS OF THE AFFORDABLE CARE ACT

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, western New York has long distinguished itself as a leader in innovation and cutting-edge medical research. Buffalo gave the world cancer research when the New York Cancer Laboratory was first established by Dr. Roswell Park in 1897. Today, the Buffalo Niagara Medical Campus continues to grow and thrive with the expansion of Roswell Park, plans for the University of Buffalo Medical School, and construction of a new women and children's hospital.

I'm pleased to say that today western New Yorkers continue to receive good news about the availability and accessibility of health care. Yesterday, The New York Times reported that New York State health insurance purchased through the State exchanges will reduce insurance rates by at least 50 percent. Additionally, thanks to the Affordable Care Act, 37,000 kids with preexisting conditions will not be denied coverage because by law they can't be denied coverage.

Mr. Speaker, health care should be affordable and accessible to all Americans. The progress we have already seen is promising, and we must keep moving forward.

THE ALEXIS AGIN IDENTITY THEFT PROTECTION ACT OF 2013

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, for the last 30 years, Social Security has been required to make personal information of deceased Americans public through the so-called ''Death Master File.''

Unfortunately, identity thieves use this file to steal Americans' identities and obtain fraudulent tax returns. Worse, the criminals target deceased children like 4-year-old Alexis Agin who's right here, whose family joins us today in the balcony.

Worrying about the stolen identity of a loved one is the last thing a grieving family should do. I salute the Agins for their tireless advocacy, and I thank you.

Today, I humbly join their efforts by introducing the Alexis Agin Identity Theft Protection Act with my Democrat colleague and ranking member on Social Security, XAVIER BECERRA. This commonsense bipartisan bill will protect families, prevent further abuse of taxpayer dollars; and it's time to stop the public sale of the Death Master File.

Mr. Speaker, in honor of Alexis Agin, I urge my colleagues to join us and get this bill signed into law.

The SPEAKER pro tempore. The Chair would remind Members to refrain from referring to occupants of the gallery.

IN RECOGNITION OF THE PASSING OF FORMER CONGRESSMAN WILLIAM GRAY

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WILSON of Florida. Mr. Speaker, I stand this morning to recognize the passing of Congressman William Gray, a man for all seasons.

An ardent tennis advocate, he expired at Wimbledon, still racing towards his lifetime passion of tennis. He was funeralized in Philadelphia on Saturday where dozens of Members of Congress attended and President William Clinton spoke of his wonderful and brilliant legacy.

Today, his wife, Andrea, and sons, William, Justin, and Andrew, are visiting Capitol Hill. They attended the 95th birthday celebration of President Nelson Mandela.

Congressman Gray, who retired to my hometown of Miami-Dade County, was an accomplished gentleman, and his name will live forever in the hearts and minds of Congress and the millions of students he literally saved when he was president of the United Negro College Fund.

May he rest in peace.

THE STUDENT SUCCESS ACT

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Mr. Speaker, I rise to support H.R. 5, the Student Success Act.

I have heard often from educators about the urgent need to remove many Federal mandates that create needless barriers to educate our children. The legislation the House will consider goes a long way to restoring State and local control in how best to educate our children.

I appreciate the support of teachers, administrators, charter schools, and school board members in my district that strongly advocate for the reforms in this bill that will allow States to control the accountability decisions rather than unaccountable bureaucrats in Washington that are far removed from the classroom. This bill gives State and local school districts maximum flexibility to improve their schools rather than be caught in a one-size-fits-all bureaucracy.

I thank Chairman KLINE and my fellow members of the Education and Workforce Committee for their hard work on this legislation, and I urge its passage.

SUPPORT AFTER-SCHOOL PROGRAM FUNDING

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, we know that before-school, after-school, and summer learning programs are successful activities that provide safe places that millions of students and parents can rely upon.

I'm very concerned about keeping the students in my district safe and out of trouble. In mid-Michigan and around the Nation, time spent out of school is often prime time for bad choices that can lead to juvenile crime; yet countless studies have shown that kids involved in after-school and summer programs are less likely to be perpetrators or victims of crime, less likely to drink or use drugs, less likely to join gangs.

Unfortunately, legislation that is set to be considered this week in the House could lead to over a million students losing access to these opportunities. Students in Michigan benefit from these after-school programs through mentors, tutoring, through cultural and fine arts activities.

We should be expanding support for these programs and for funding for these programs, not cutting them or putting them in block grants as a means of reducing support.

I urge my colleagues to join me in opposing this legislation that's set to come before the House this week.

IN RECOGNITION OF COLONEL THOMAS MOE

(Mr. STIVERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STIVERS. Mr. Speaker, I rise today to recognize a true American hero for his dedicated public service, Tom Moe, who is a colonel in the Air Force and is from Lancaster, Ohio. He's retiring after 46 years of service to our Nation and our State.

While in the Vietnam war, serving in the United States Air Force, he endured 5 years of torture and isolation

as a prisoner of war. In his civilian life, he dedicated his career to serving veterans. Most recently, joining Governor John Kasich's cabinet as director of the Department of Veterans Services, he also served as the Ohio director for Troops to Teachers in the Department of Education, and he served as director of the Fairfield County Office of Emergency Management and Homeland Security.

Through his career, Colonel Moe has rightfully earned a number of public service awards and decorations, including two Silver Stars, a Distinguished Flying Cross, a Bronze Star Medal for valor, and two Purple Hearts. He was also inducted into the Ohio Veterans Hall of Fame in 2009 by Governor Ted Strickland.

I'm truly honored to call Colonel Moe a friend, and I join hopefully with the other Members of Congress in wishing him a happy retirement.

STUDENT LOANS

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCIA. Mr. Speaker, today I rise to urge my colleagues to reverse the doubling of rates on student loans.

Education is and will always be the great equalizer in this country. It was central to my success. And with 7 million students relying on Federal Stafford loans, it is our responsibility to keep college education affordable.

It is also necessary to keep our Nation competitive globally. That is why I cosponsored the Student Loan Relief Act, which extends the 3.4 percent student loan interest rate until 2015.

I call upon my colleagues in both the House and the Senate to take action so that college remains within reach for all Americans who dream about earning a degree, starting a business, or shaping the future.

IN RECOGNITION OF TONY CAMPBELL

(Mr. GOSAR asked and was given permission to address the House for 1 minute.)

Mr. GOSAR. Mr. Speaker, I rise today to recognize and honor the community service of Mr. Tony Campbell.

Tony moved to Kingman, Arizona, in 2001 to become general manager of Route 66 Motorsports, also known as Mother Road Harley-Davidson.

He also joined the Kingman Area Chamber of Commerce and began leading his community, constantly finding ways to lift others up as he strived to better the lives of those around him. He organized what would become one of the chamber's signature fundraisers, the Harley raffle dinner. He is an avid outdoorsman; and, of course, he loves his motorcycles.

In 2009 after 8 years of service with the Kingman Area Chamber of Commerce, he was asked to join the board of directors and serve on the business and government committee. With his larger-than-life personality, he had an amazing ability to bring others together, both business and government, using the strengths of each to complement each other. He showed again his leadership, one the chamber could depend on.

For the last year, Tony has served as chairman of the board for the Kingman Area Chamber of Commerce. As his time in this role comes to an end, it is with honor and appreciation that I stand here and recognize Mr. CAMPBELL for his service. I am pleased to recognize him today before this great body as a true American and a leader of businessmen and businesswomen of Kingman, Arizona.

DIWALI STAMP

(Mrs. CAROLYN B. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I would like to invite my colleagues on both sides of the aisle to join me in asking the Citizen's Stamp Advisory Committee to issue a staff stamp in honor of Diwali. H.R. 47 has over 41 bipartisan cosponsors.

Diwali marks the beginning of the Hindu new year, one of the oldest and most storied holidays in the world. It symbolizes the triumph of good over evil and of light over darkness. Diwali is celebrated by over a billion Hindus, Sikhs, Buddhists, Christians, and Jains alike. It has been celebrated and honored in the White House by both parties. But Diwali has yet to join the legion of holidays that we honor with a stamp.

Yesterday, Congressman BERA, along with the Indian American leaders, including Ranju and Ravi Batra, delivered over 1,300 personally signed letters in support of the stamp to the Deputy Postmaster General. They also delivered over 400,000 signatures on a petition in support of the stamp.

The time has come to issue a Diwali stamp. Please join me in asking the Citizen's Advisory Committee to do so.

HONORING AMERICA'S TEACHERS

(Mr. YOHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOHO. Mr. Speaker, this week the House will spend a lot of time talking about education and what's best for our students, but I want to make sure we spend a few moments to recognize America's teachers.

Just after the tornadoes in Oklahoma this spring, a constituent of mine pointed out to me that the teachers at the elementary school in Moore and in the terrible tragedy in Newtown were more than educators. They were first responders. They acted not simply out of human decency, but out of the deepest dedication to service to protect our children.

While most of America's schoolchildren are out enjoying summer vacations, their teachers are preparing for the school year ahead. They sacrifice time with their own families and spend their hard-earned money because putting the students first isn't part of any Federal or State mandate. It's a special calling on the teacher, deep within their heart. I ask my colleagues and constituents to join me in honoring that calling, encouraging it, protecting it, and thanking all of America's teachers for their unselfish dedication and service.

□ 1230

SEQUESTRATION THREATENING PUBLIC SAFETY

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Mr. Speaker, sequester furloughs have recently begun for hundreds of thousands of civilian Department of Defense employees. We know budget sequestration is a bad policy. It's an ax where we need a scalpel. It's hurting families and workers across the country, and it's threatening public safety. For example, at Vandenberg Air Force Base in my congressional district, firefighters are being furloughed and budget cuts may lead to the elimination of its elite Hot Shot crew.

Vandenberg Air Force Base is a high-risk fire area, and this year's fire season started early, is expected to be worse than previous years, and has already produced the deadliest single incident for firefighters since 9/11. We should not be furloughing firefighters in the middle of fire season. We should not be compromising public safety.

I urge my colleagues to put aside our differences and get to work to find an alternative to these furloughs and end sequestration at every level once and for all.

HEALTH CARE AND PPACA

(Mr. SALMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALMON. Mr. Speaker, I rise today to express my continued concerns with the Patient Protection and Affordable Care Act. It seems that every day we learn a new way this law is negatively impacting the American middle class.

Last week, three prominent unions sent a letter to the Senate majority leader and the House minority leader. In the letter, union leaders highlighted how ObamaCare is driving up the cost of small group insurance plans, causing employers to drop employees from their coverage or convert the employees to part-time status.

In fact, that's exactly what happened in my district in Mesa, Arizona. The Maricopa Community College District

announced that it will be cutting hours for adjunct faculty and student-service workers in order to convert them to part-time status and avoid onerous ObamaCare requirements and mandates. This is not only a financial hardship for these professors and their families, but the students suffer as well.

Higher costs under ObamaCare are forcing employers to choose between keeping their doors open or cutting hours and staffing levels. These are the unintended consequences of a very, very bad law.

It's time to repeal this law before it inflicts more harm on middle class America. We must take all necessary steps to repeal and replace this tragic legislation with true health care reform that relies on commonsense free-market policies and returns the power to patients and their doctors, not Washington bureaucrats.

CONGRATULATING DELTA SIGMA THETA

(Ms. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CLARKE. Mr. Speaker, as a proud member of the Brooklyn Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated, under the leadership of Ms. Sohndra Stone-Snead, president, it is my deepest honor to extend a hearty congratulations to our outgoing national president, Ms. Cynthia Butler-McIntyre, and our new and incoming national president, Dr. Paulette Walker, on the historic centennial and 51st national convention here in Washington, D.C., over the past 7 days, the largest gathering of college-educated Black women ever.

Blanketing our National Capital in a sea of red, close to 40,000 attended the convention, which is part of a year-long celebration to mark the sorority's 100th anniversary. This great sorority and glorious sisterhood started on January 13, 1913, when 22 young college women at Howard University in Washington, D.C., founded the organization.

Many prominent community leaders and members have been members of this sorority, including the Honorable MARCIA FUDGE, past national president; and Congresswoman JOYCE BEATTY; as well as former Congresswoman Stephanie Tubbs Jones and former Congresswoman Barbara Jordan. My predecessor in Congress, the great Congresswoman Shirley Chisholm, was also a member, a pioneer for women and African Americans in elected office. So I not only followed her footsteps in my journey into Congress, but also my journey into Delta Sigma Theta Sorority, Incorporated.

Mr. Speaker, once again, please join me in congratulating Delta Sigma Theta Sorority, Incorporated, on its 100th anniversary and recognizing the members for the work they do to progress the mission of sisterhood, scholarship, and public service. For 100 years, its leaders and members have continued the legacy and goals of its founders. They are committed to public service, education, and social action locally, nationally, and worldwide.

BRINGING FAIRNESS TO THE PLAYING FIELD

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, it's getting hot in north Georgia, and when it gets hot in north Georgia, I think of cut grass and I think of football, and I think of the lessons that I learned as I was growing up on that football field at Riverbend Elementary School. And one of the things that I learned from football was not only teamwork, but one of the lessons was fair play. It was being fair. It was being and playing with everybody having the same opportunities.

Well, that's exactly why House Republicans this week brought to the floor two important bills: one to delay the implementation of the employer mandate, and the other to delay the implementation of the individual mandate.

Why do we do that? That's a question that I've asked on this floor before. And it's because it is fair. Because we don't want to pick one or the other.

Many times in this House, we come and pit one against the other. I say to this administration and to both sides of the aisle, let's play fair. That's why we brought it to the floor. That's what matters.

Washington needs to be honest with the American people. This is a broken health care law. We just simply brought fairness to the playing field yesterday.

DON'T PLAY POLITICS WITH FOOD SUPPORT

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUTTERFIELD. Mr. Speaker, I am still hurting from the farm bill debate last week. I was looking forward to a bipartisan compromise on farm programs as well as nutrition programs. But as we all know, the Republicans removed the food title from the farm bill and narrowly passed it on a vote of 216–208. I am proud that not a single Democrat voted for this ill-conceived bill denying food support for food banks and millions of Americans.

The House farm bill was passed. I now urge House conferees to meet with Senate conferees and reauthorize the farm bill with nutrition before the August recess.

I am beginning to hear rumors that the Republican leadership may be considering a stand-alone rewrite of the food stamp program to cut nutrition by $135 billion. I hope that's a rumor and not fact. If it's a fact, many of us will speak as loudly as we have ever spoken before on this floor.

Please let the conference committee meet and resolve the difference between the House and Senate. Don't play politics with food support for low-income American citizens.

PRESIDENT'S HEALTH CARE LAW IS UNWORKABLE

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, the President's health care law is unworkable. Hardworking Americans know it, and, unfortunately, they're going to see their premiums skyrocket.

Small business owners know it. They're going to have to scale back hiring and maybe even let some people go.

People in the President's own party know it. Senator BAUCUS from Montana, a key author of the legislation, called it a ''train wreck'' not long ago.

And now, the administration has admitted it themselves. They decided to delay the employer mandate for a year. Why? Because, despite the President saying that it's working the way it's supposed to, we know it's not working at all.

That's why yesterday, on this floor, we voted to not just delay the employer mandate, but the individual mandate as well. Everyone, not just businesses, deserve protection from this unworkable law.

MOVING FORWARD ON AFFORDABLE HEALTH CARE

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, the Affordable Care Act began delivering important benefits and protections to millions of American families and small businesses almost immediately after it was signed into law 3 years ago.

Just yesterday, we learned that the cost of health plans in New York are set to drop 50 percent. And starting in 2014, California's small businesses will be able to access competitive, affordable, quality health plans on the Covered California Small Business Exchange, finally putting them on more equal footing with the rates that have been enjoyed by the big guys.

And last week, I invited the Small Business Administration to come to my district and meet with my local small businesses. They walked them through key pieces of the law so they could understand the facts and be able to make good decisions about health insurance for their employees. Many were pleasantly surprised.

We need to move forward on affordable health care for Americans, not backwards.

REPAIRING BROKEN FEDERAL EDUCATION POLICIES

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I'm going out on a limb here and say that North Carolina teachers, parents, and administrators know more than the suits in Washington about North Carolina students' needs.

It's a shame that Federal law often stands in the way of local educators having the flexibility they need to innovate and serve students. It's a greater shame, though not a surprise, that Federal intervention has done little to improve student performance.

House Republicans aren't just going to comment on the problem or propagate a system where waivers, like Band-Aids, patch bad Federal laws. We're going to change the law. H.R. 5, the Student Success Act, takes steps to reduce the Federal Government's one-size-fits-all footprint in education. It empowers parents, supports effective teachers, and restores local control.

Children across this country are directly impacted by broken Federal education policies. There's no excuse to let the brokenness continue.

FIXING OUR BROKEN IMMIGRATION SYSTEM

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. It is rare, Mr. Speaker, that more than two-thirds of the United States Senate agrees on anything. It's rare, Mr. Speaker, when two-thirds of the American people agree on anything. And yet the Senate, with 68 votes, passed a comprehensive immigration reform bill that will finally replace our broken immigration system with one that works: one that works for our economy; one that works for American families; one that helps grow jobs; and one that restores the rule of law to an underground system where people continue to live in an underground economy here in our country today.

There are 11 million people here in our country illegally. The American people are fed up with the violation of the rule of law and of our sovereignty. It's time to fix our broken immigration system in a way that's consistent with our values as Americans.

We are a Nation of immigrants; we also are a Nation of laws. It's time to reconcile those two truisms. Take up the Senate bill in the United States House of Representatives, send it to President Obama's desk, and finally fix our broken immigration system to make it work for our country.

PROVIDING FOR CONSIDERATION OF H.R. 5, STUDENT SUCCESS ACT

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 303 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 303

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-18. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before action thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 1 hour.

□ 1245

Ms. FOXX. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. House Resolution 303 provides for a structured rule providing for consideration of H.R. 5, the Student Success Act.

Mr. Speaker, my colleagues on the House Education and the Workforce Committee and I have been working to reauthorize the Elementary and Secondary Education Act. Our efforts in reauthorization have centered on four principles: reducing the Federal footprint in education, empowering parents, supporting effective teachers, and restoring local control.

H.R. 5, the Student Success Act, ensures that local communities have the flexibility needed to meet the needs of their students. This legislation reauthorizes the Elementary and Secondary Education Act, also known as ESEA, for 5 years, while making commonsense changes to update the law and address some of the concerns following the last reauthorization.

Despite good intentions, there's widespread agreement that the current law is no longer effectively serving students.

Instead of working with Congress to reauthorize ESEA, the Obama administration began offering States temporary waivers in 2011 to exempt them from onerous requirements in exchange for new Federal mandates from the Department of Education.

These waivers are a short-term fix to a long-term problem, and leave States and districts with uncertainty about whether they will again be subject to the failing law, and if the administration will change the requirements necessary to receive a waiver.

It is time to give students, parents, teachers, and school districts certainty to make decisions and flexibility to make the best decisions for their communities. H.R. 5 is a step in the right direction and will provide this certainty and flexibility.

Since Republicans returned to the majority in the House in 2011, we've held 20 hearings on the reauthorization of the Elementary and Secondary Education Act. The committee considered five reauthorization bills in four markups in the 112th Congress, in addition to a markup and favorabe reporting of H.R. 5 this year.

I'm pleased to work with my colleagues on the Rules Committee to report rules for floor debate and the consideration of legislation that promote transparency and participation.

I urge my colleagues to support this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank the gentlewoman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the rule and the underlying bill, H.R. 5, the so-called Student Success Act. The

Student Success Act is an ideological attempt to reduce the crucial Federal role in K–12 education.

To be clear, there's no excuse for bad policy that interferes with student learning and prevents opportunity from reaching all corners of this land. There's no excuse for bad classroom practices at the local level. There's no excuse for bad policies at the State level, and there's no excuse for bad policies at the Federal level.

However, we should also make no excuses for good policies at the State level, make no excuses for good policies that help improve classroom practices at the Federal level.

Unfortunately, under this restrictive rule, many of the commonsense amendments that would have helped improve this bill were shut out, including an amendment that I authored that would combat bullying and harassment against lesbian, gay, bisexual, and transgender students, to ensure that schools are a safe learning environment for all children.

Under this rule, other amendments that were offered by both my Democratic and Republican colleagues were not included and not allowed to proceed to the House floor for a debate.

My colleague, Ms. FOXX, said that ''local communities have the flexibility they need to meet the needs of their students.'' She stated that that was one of the goals of this bill.

I think the second goal that we should have with Federal education policy is, yes, to give local communities the flexibility to meet the learning needs of their students, but so, too, to not give local communities the flexibility to continue to not meet the needs of their students.

There are too many failing schools across our country—high schools that, year after year, have dropout rates in excess of 50 percent; elementary schools where kids are falling further behind every year.

We need to do everything we can as a society—that means at the State level, that means at the Federal level, that means at the district level—to make sure that, yes, the district has the flexibility and the school has the flexibility to do what works, but not the flexibility to continue to do nothing, which would only consign another generation of American kids, particularly and disproportionately our most at-risk families, to failure.

If the underlying bill becomes law, States wouldn't be required to set performance targets based on student growth, proficiency, or graduation rates. Effectively, it would allow States to define success down, simply to make themselves or their districts look good. The bill doesn't even define low-performing schools, nor does it establish parameters for intervention or timelines for improvement.

I have not heard any Member of this body, on either side, argue for Federal micromanagement. That's a straw man. We want to make sure that reform-minded superintendents are armed with the tools they need to make the tough decisions.

And there's no silver bullet in education. Sometimes it might be converting it into a charter school, sometimes it might be changing the staff, sometimes it might be closing a school, sometimes it might be an extended learning day.

One of the most critical aspects of successful school reform, in fact, is the local buy-in. And that's why I, as well as my colleague, Ms. FOXX, would agree that the Federal Government dictating what they should do is counterproductive towards effective school reform. However, continuing to do nothing is a guaranteed continued recipe for failure.

Mr. Speaker, we need to provide schools with more flexibility to design school improvement systems than the rigid measures under No Child Left Behind. I think we can agree on that. But we can't let them continue to do nothing and fail children.

No child in our country should be trapped in a failing school with little or no recourse or real choice. We need to mend accountability, not end it.

This bill constitutes the Federal Government throwing up its arms and simply letting the States define success downward, making themselves look good, patting themselves on the back saying, ''Job well done,'' when more and more children are falling through the cracks.

We need a Federal role as an honest referee, a disruptive force to break up school district monopolies. We need to use our limited funds to give reform-minded school leaders leverage and resources and cover that they need to ensure that failing schools are subject to dramatic interventions that improve school quality.

No child should ever be trapped in a failing school. And we, as adults, should not be finger-pointing, saying oh, that's the State, that's the district, that's the Federal Government, that's your principal's fault, that's your teacher's fault. That's not the answer. The answer is to make the school work for the kids and make sure that every family has access to a good school.

While No Child Left Behind certainly has its flaws, including the problematic and wrongful definition of adequate yearly progress as a benchmark for success, it, nevertheless, did move us forward when it comes to serving low-income and minority students, students with disabilities and English language learners, and provided a new layer of transparency that prevented school districts from sweeping these problems under the rug.

Unfortunately, here, with this bill, H.R. 5, it takes another step backward, effectively excluding students with disabilities from school accountability systems. Currently, there's a 1 percent cap, saying the students with severe disabilities up to 1 percent of students can take alternative assessments based on alternative achievements standards.

This bill removes that cap, meaning that school district or that State, at their discretion, under this bill can simply say, you know what? We don't think any of our IDEA students, any of our Special Ed students can learn, so we're not going to include them in the accountability metric. They don't have to take the test. Or if they do, we're not going to count it. Or they can do an alternative test, and we'll look at that and sign off.

And we will never know, Mr. Speaker, under this bill. It truly, in our publicly-funded public education system, is continuing to meet the learning needs of all kids, including those with disabilities or not, which is why, across the disability advocacy community, there is strong opposition for this bill.

It's rare that a bill can unite such disparate forces as the Chamber of Commerce, organizations representing teachers, the civil rights community, advocates for the disabled, all in staunch opposition to a bill. Why?

Because the bill represents a step backward for public education in this country. This bill doesn't invest in our Nation's teachers, the most important frontline workers that provide a quality education for kids across the country.

While, to its credit, it eventually replaces highly-qualified teachers with a new teacher accountability system that's tied into student success, which is a key component of my STELLAR Act that I introduced with Representative SUSAN DAVIS, it fails to provide teachers with the professional development and support they need to succeed in the classroom.

And during the 3-year transition period, it does away with all measures, indicators and requirements for teacher quality, including getting rid of the definition of highly-qualified teacher. So for 3 years, our Federal taxpayer money that we are custodians of will go, in part, to pay the salaries of people with absolutely no quality input or outbased controls.

While I applaud the eventual replacement of the definition of highly-qualified teacher, and most people agree that we can do better measurement of teacher quality, the answer is simply not to throw up our arms and say we're not going to look at teacher quality.

While H.R. 5 retreats on the significant and constructive Federal role, Ranking Member MILLER's Democratic substitute advances a comprehensive vision of school accountability and improvement. The Democratic substitute would ensure that schools take into account student growth, proficiency rates, including disaggregation for groups, including students with disabilities, English language learners, minorities; design targeted interventions for low-performing schools; partner with school districts to use evidence-based criteria to improve school and classroom performance.

It is an advanced vision of school improvement that has received broad unified support from the education reform

community, the civil rights community, and the business community.

The Federal Government must ensure that all students receive a high quality, world-class education. We are a country. Education is under the local control of school boards subject to the laws of the State. As a Nation, we cannot abrogate on our responsibility to have a human capital development strategy that allows us to compete with other nation-states in the 21st century.

The Democratic substitute would ensure that schools set high expectations and use quality assessments for students with disabilities. We do not propose, in the Democratic substitute, nor does President Obama support any kind of national standard or national test.

Certainly, some States have chosen to work together to develop core common standards. Other States have developed other high quality standards and assessments. The Federal role should be to not allow States to define the success downward and capitulate the entire generation and consign an entire generation of children to failure.

I'm disappointed the Rules Committee didn't make in order my Student Non-Discrimination Act, which I introduced with Congresswoman ROS-LEHTINEN and 155 of our colleagues. When you have a bill that has so many cosponsors, I would hope that the Rules Committee would at least allow a debate and floor vote on this bill.

My Student Non-Discrimination Act would establish a comprehensive Federal prohibition on discrimination in public schools based on actual or perceived sexual orientation or gender identity.

Every day, across our country, tragically, kids who are perceived to be gay or lesbian are subjected to pervasive discrimination, harmful to both students and our education system. Surveys indicate that as many as 9 in 10 LGBT students have been bullied.

Just this last week we lost another life to bullying. On Sunday, a young man named Carlos in New Mexico took his own life after being bullied and called derogatory LGBT names since the age of 8. It's hard to imagine the torment that Carlos went through every single day. And unfortunately, too many LGBT students and their families often have limited recourses to fight this kind of discrimination that makes schools an unsafe and unwelcome learning environment for them.

My amendment would simply provide protections for LGBT students to ensure that all students have access to public education in a safe environment, free from discrimination, free from harassment, free from bullying, intimidation and violence.

I would have hoped that every Member of this body would agree that there's a bipartisan consensus that, regardless of what people think of divisive social issues like gay marriage or other LGBT issues, school should be a safe place for all students to learn.

□ 1300

I am pleased that the underlying bill includes constructive language with regard to the expansion and replication of successful charter schools. I'm also pleased that the committee made in order two amendments I offered to improve this flawed bill. The first amendment further improves the Charter Schools Program. I enjoyed working with Chairman KLINE and Ranking Member MILLER on improving and modernizing the Charter Schools Program. Both the underlying bill and the Democratic substitute contain strong language around helping quality charter schools grow and expand to meet the demands of the more than 1 million kids who remain on charter school waiting lists across our country unable to attend the school of their choice.

A recent Stanford CREDO study found that charter schools that are successful in producing strong academic progress from the beginning tend to remain strong and successful schools as they grow and expand.

My amendment, which I'm offering with Mr. PETRI, would allow charter schools to receive Federal funding through the Charter Schools Program to use their grant dollars for vital startup costs like professional development, teacher training, and instructional materials. As a charter school founder, I know that this additional flexibility provided under our proposed amendment would really help get quality charter schools off the ground.

The amendment also allows per-pupil revenue to be more portable across school districts to provide States with the ability to move towards more innovative multidistrict models, including online education or competency-based education, if they so desire.

Finally, my amendment would ensure that charter schools are doing substantial outreach to low-income and other underserved populations. We know that many high-performing charter schools are already leading in this regard in helping our most at-risk families achieve success. We want to ensure that they continue to lead the way in providing access and choice for more families.

I'm also pleased my amendment I offered with Representative BROOKS regarding computer science is made in order. My amendment with Representative BROOKS would clarify that Federal funds can be used for computer science education. It's particularly important because it relates to funding for teacher preparation and professional development based on the bipartisan Computer Science Education Act, which Representative BROOKS and I introduced earlier this year.

In today's knowledge-based economy, it's more important than ever to ensure our education system aligns with the demands of the 21st-century workforce. We need high-quality teachers to have access to training in all relevant fields, including computer science education.

I also worked with Mr. PETRI on another amendment regarding charter schools, which I withdrew. But I want to talk about some additional changes that are included in our All-STAR Act that I look forward to continue working with Chairman KLINE and Ranking Member MILLER to make crucial changes on the Charter School Programs that were included in my amendment with Mr. PETRI.

The amendment I offered with Mr. PETRI would offer improvements to help grow and replicate high-quality charter schools that are demonstrating outstanding results across the country. There's currently 6,000 charter schools serving more than 2.3 million students. Yet there are over a million students on charter school waiting lists. My amendment would have increased the overall authorization for this high-impact, low-cost program to $330 million so that with our limited Federal resources we have the maximum impact on increasing choice and learning opportunities for families.

My amendment would also have allowed for the continuation of the Charter Schools Program grants from the Replication and Expansion of High-Quality Schools Program, a very successful program that helps more families access the highest-performing charter schools.

In this time of austerity and constrained public resources, we need to maximize the impact of every dollar spent by making sure we only invest in what works, fostering innovative new approaches both for results as well as for cost savings to achieve even greater gains in student achievement. That means investing in those public charter schools that are getting great results as well as allowing charter school operators with a strong evidence base of student achievement, particularly with our most at-risk kids and families, along with robust management capacity, to replicate and expand so they can serve more students.

I look forward to continuing the work with Chairman KLINE and Ranking Member MILLER to include some of those priorities in the ESEA reauthorization and further legislation.

With that, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to my distinguished colleague from the Education Committee and the great State of Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague.

Mr. Speaker, I would like to express my support for the rule and the underlying bill, H.R. 5.

I am in frequent contact with educators in my district in Wisconsin. One of the concerns I hear the most is that Federal money comes to local schools and districts in a variety of funding streams, each with its own restrictions and reporting requirements. I am constantly asked if there's a way that we

can consolidate some of these funding pots so that schools can better apply the funds to those areas where they will have the most effect. These feelings are strongest in smaller or more rural schools, where funding tends to be the most limited. H.R. 5 would give them that much-needed local flexibility.

Wisconsin schools are doing a lot of innovative things to prepare their students for success in the 21st-century economy. They know that the nature of work is changing: jobs in manufacturing, where Wisconsin is a leader, require critical thinking, the ability to be innovative and to work with people of varying skill levels, and the ability to communicate effectively. These skills were favorably noted in a 2012 National Research Council report and in a recent Gallup Poll that found that those who have those skills are twice as likely to have higher work quality than those who don't.

Wisconsin is a member of the Partnership for 21st Century Skills, a coalition of States, education groups, and employers that's working to ensure that students have these critical skills. I hear from educators that these innovative programs help to bring to life the subjects that students are studying in school, oftentimes renewing their focus on core academics. Again, I also hear that schools and districts are hamstrung by their inability to put Federal funds to use in these innovative ways. So I'm pleased that the Student Success Act, through its Local Academic Flexible Grant and in other ways, gives educators the flexibility to pursue these innovative initiatives at the local level.

I would also like to mention the subject of geography, which is a core academic subject under No Child Left Behind, but has never received the same level of support as other core academic subjects. The National Geographic Society has invested millions of its own dollars to help invest in the future of geographic education—a critical investment, given the importance of geography to our national and international well-being. It's critical that geography be on a level playing field with other core academic subjects. This bill accomplishes that goal by letting geography compete equally for funds to enhance the professional development of teachers in this critical subject.

I, again, want to emphasize my support for the rule and the underlying bill.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR), a former member of the Rules Committee.

Ms. CASTOR of Florida. I thank the gentleman for yielding and for his unceasing efforts.

Mr. Speaker, I rise today in strong opposition to this rule and H.R. 5 because the Republican bill fails America's students.

Mr. Speaker, America's public schools are the envy of the world. We're fortunate to live in a country that believes that every child should be educated and given the opportunity to succeed in life. Our public schools are one of the best examples of American values. No matter where a child comes from, no matter what challenges a student faces in life—a disability, autism, poverty—that student can receive a good education.

Our local public schools are largely community-based and locally run; but the Federal Government provides important support, especially for working-class communities and for students with disabilities and learning challenges. We have important work to do to continue to improve public schools and recruit good teachers; but under this bill, Republicans want to go in the other direction.

The Republican bill before the House today proposes a harsh prescription for students and families who seek better schools and talented teachers. H.R. 5 guts education funding for students and teachers by over $1 billion below last year's levels at a time when we want high-quality curricula, and States and local school districts have been challenged financially.

Back home in my Tampa Bay area district in Florida, I have over 200 title 1 schools, like Foster Elementary in Hillsborough County and Woodlawn Elementary in Pinellas County. These are students from working-class families. Over 90 percent of these students qualify for free and reduced lunch. It is the longtime compact between the Federal Government and our local schools that ensures support to these students that do not come from wealthy families. The students who attend these schools range from ones with special needs that require title 1 help to work with exceptional education teachers; English Language Learners that need a little extra help from translators; and students with severe emotional behavior disorders.

The Republican bill retreats from these students and the responsibility to education.

No Child Left Behind has been riddled with problems from the start. Its one-size-fits-all policy hasn't worked, but this Republican bill is not the answer. It's a step backward. And I urge my colleagues to oppose the rule and the underlying bill.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to our distinguished colleague from Tennessee, Congresswoman BLACKBURN.

Mrs. BLACKBURN. Mr. Speaker, I want to thank the gentlelady from North Carolina for her excellent work on this measure and all of the work she has done in committee. Dr. FOXX is such a skilled educator. We're pleased to have her in our conference. I know that Chairman KLINE, who has really put a lot of effort into this bill, is so pleased to have her.

I do rise to support H.R. 5. This commonsense bill helps parents, teachers, and students. It will help prepare our children to compete in the global workforce. It helps to right the wrongs of our broken education system by bringing back flexibility to the system and encouraging more effective teaching and learning in our schools.

I have to tell you that as a mother and a grandmother, as a classroom volunteer and a homeroom mother for many years, I know how important it is for our children. And the reason that we are bringing this bill forward is because of concern and in preparing every child to compete.

I'm troubled by a recent report that says the U.S. ranked 18th out of 23 industrialized countries in the quality and quantity of high school diplomas. These are all items that need our attention. The feedback we have gotten through the years from No Child Left Behind's one-size-fits-all mandate does not work. People do not want these decisions being made in Washington. The Student Success Act would fix this by repealing the Federal accountability system and restoring much-needed local control. It would also stop the administration's act of coercing States through Race to the Top funds and into adopting specific national academic standards, otherwise known as Common Core. It would put an end to that.

H.R. 5 would reverse the Federal footprint in our education system by repealing the K–12 waiver schemes and the pet programs that have been put in place. This is the right step that we should take for our students for their success and educational opportunities.

Mr. POLIS. The gentlelady said the U.S. ranks 18th on the quality and quantity of high school diplomas. This bill is a recipe to do even worse—worse on the quality by allowing States to define success and their standards down and worse in the quantity by removing graduation requirements as one of the issues that the Federal Government looks at with regard to the success of State formulas.

I am honored to yield 2 minutes to the gentlewoman from California (Ms. CHU).

Ms. CHU. Mr. Speaker, I rise in strong opposition to the rule and to H.R. 5. This bill radically reduces the role of the Federal Government in education at a time when we need to revitalize our education system. It slashes over $1 billion in funding to teach our kids. It eliminates accountability in our education system that ensures students graduate from high school and those with special needs don't get left behind.

I am particularly concerned about the impact this bill will have on community services that benefit the students struggling the most. Studies show that when we don't address students' social and economic disadvantages at schools, we undo the work that's achieved by having good skills and teachers with adequate resources. An astounding two-thirds of the achievement gap is due to factors outside of school. Children are more likely

to succeed in schools when their comprehensive needs—nutrition, health, and a safe and stable home—are met.

□ 1315

These support systems—sometimes called ''wraparound services''—are particularly important for low-performing and low-income schools that greatly benefit from these services.

But instead of supporting programs that are scientifically proven to help close the achievement gap, H.R. 5 takes away the designated funding for them and lets States do with the money as they please. It completely cuts funding for after-school programs. It eliminates social and emotional programs that help keep our students safe, healthy, and ready to learn. And with the money that's left? There's no guarantee that it will be used to provide these services to students who need them the most.

We shouldn't leave to chance whether a school will care about students beyond their test scores. But this bill sets a dangerous precedent by exempting the Federal Government from responsibility to ensure schools adequately support students and families that face challenges outside of school.

Instead of improving No Child Left Behind, this bill takes us even further backwards. I urge my colleagues to vote ''no'' on this rule and the underlying bill.

Ms. FOXX. Mr. Speaker, I now would like to yield 4 minutes to my distinguished colleague from Georgia (Mr. COLLINS).

Mr. COLLINS of Georgia. Mr. Speaker, I rise in strong support of the rule as well as the underlying bill, H.R. 5, the Student Success Act.

I want to thank also, as others have, the gentlewoman from North Carolina for her continued leadership on an important issue. And I also would like to commend the gentleman from Colorado on his interest in this legislation as well. Although we differ in opinions on what this legislation would do, I believe it is a conversation that we need to have.

You see, I have had the privilege to be married to a public school teacher for 25 years. I also have three children who are the product of a public school education, one of whom is a special needs child who has spina bifida, who graduated just a few years ago. I was happily there to present her with her diploma when she rolled across that stage.

We can talk about a lot of things today; but when it gets down to it, it's about the kids in our country and how they're educated and what role this body is to play in that. I think that's an honest conversation.

As I speak today as a parent, education policy is near and dear to my heart because I believe our democracy was founded on the principle that every child should have the opportunity to learn. And I believe that the goal of our educational system should be to instill in our children a love for learning that they will carry with them throughout their entire life.

There is nothing I love better than to walk into a room and see my child reading a book—a 14-year-old, a 17-year-old reading a book—or learning. That is what we cry for, as parents.

Whenever I'm home in Georgia, I encounter numerous folks who tell me their concerns about the endless expansion of our Federal Government—not just its size, but its scope and power. Like the parents and teachers I've heard from lately—and also live with—I'm very concerned about the top-down approach that this administration in Washington seems to be taking on education. Probably the best known example is the Common Core Standards, which has been mentioned already, which Washington wants to use as a national litmus test for States seeking funding. Again, it's a carrot-and-stick approach. When we look at this, is that what we want us to be in the business of doing?

As you will hear further from my colleagues, there is plenty of concern about the content of this so-called Common Core; and I could speak a lot about that, but I choose to focus on one thing and that is, I can't wrap myself around the fact that there are so many who wish to see Washington's role in education expanded and beyond the level it should be, when that role should not exist on the level that it does.

In fact, my friend from Colorado, he made this statement and he said that the Federal Government needs to be an honest referee. I appreciate that. However, I disagree in the fact that using an honest referee to use a carrot-and-stick approach with money and standards is not the way it should work.

I'm old school. As I've said before, I believe the referee on a football field should be not seen, and this goes very much against that. The referee should be there, but not be the center of attention, which Washington has become in education.

Make no mistake, I believe our education system should be a global leader; and in order for our students to be competitive on the world stage, our schools must have high standards.

We have seen firsthand in this country what occurs when our students fall behind in STEM education. That cannot continue to happen. We must raise the bar and demand excellence in our schools. However, education standards should be developed at the State and local level by those intimately familiar with the needs of the children and our educational policy, not from inside the beltway.

The beauty of public education is that every child, regardless of race, gender, religion and geography, has the opportunity to learn. Our Nation is great because our people are great. And if we as a Nation fail our most basic responsibility—providing education for our children—then our people and our Nation will no longer be a shining light in a dark world.

I am proud to be a member of a party that believes that the best educational opportunities exist when the Federal Government gets out of the classroom, when the teachers are allowed to teach children how to learn, not how to bubble an exam.

I am tired of having to watch my wife for 20-something years worry more about filling out a form than actually having to be able to do her lesson plan the next day because she is inundated with the requirements. I'm proud that we can teach and that we can learn and that we can promote that, not on a Federal level, but on a State and local level.

Current Federal law clearly prohibits Federal approval or certification of academic standards to ensure State and local control over the classroom. Apparently, and unfortunately, this law just doesn't seem to matter up here. They decided that they know better than parents and teachers. As a parent, and as the husband of a school teacher, that thinking doesn't fly with me.

Our education system has its roots in the State and local government for a good reason. No one has a stronger interest in the child's success than his or her parents. No one knows what really works in the classroom like our teachers. The community surrounding a child naturally understands that student's needs and has a deep desire to do what it takes to ensure his or her success. I support the Student Success Act because it places education decision-making where it belongs—in the hands of parents and teachers.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an 30 additional seconds.

Mr. COLLINS of Georgia. I thank the gentlelady.

Mr. Speaker, there is a lot this country can do to improve education in our Nation and to empower our kids to take on the challenges of the 21st century. But those changes must be considered and debated and adopted by the parents whose children will live with the consequences of those choices.

Decisions of this magnitude rightfully belong not in Washington, but on Main Street, and the Student Success Act rightly restores the proper means of education policymaking in this country.

I strongly support H.R. 5 and support this rule.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, think of the excitement next month as so many young Americans return to school; and what this legislation does, it would greet them with a big cut in funds to our most disadvantaged schools.

I can tell you that in Texas, Governor Perry and his cohorts will redirect these funds from disadvantaged

students faster than you can say ''oops.'' And you will find other Governors across America with a similar tepid support for public education—the same kind of people who have come to this floor and called them ''government schools'' instead of public schools—you'll find them seeing cuts to disadvantaged students as the easiest way to plug a State budget gap.

While No Child Left Behind is flawed, removing support for economically disadvantaged students is not the way to fix it. At Wheatley Middle School in San Antonio, in one of our poorest neighborhoods, title 1 funding has helped Principal Mary Olison and her team make real progress—a 30 percent improvement in math, reading and science scores; now the district's second best record in attendance; and disciplinary actions have been reduced 75 percent.

Those educators are out there struggling. Now is not the time to remove the support they need to do their very difficult jobs. Cutting this support would turn back the clock on the progress there and across America.

Title 1 funding has already been cut for the next school year. This really is a ''leave more students behind act'' that will lock in those cuts and allow State diversion of much-needed funds.

And really, this bill turns a blind eye to the achievement gap, to the racial disparities in our classrooms, and it particularly ignores the needs of students who want to learn English by cutting the English Language Learners program, which helps many of our Latino neighbors in Texas.

With the damage that has already been inflicted in my home State to public schools, now is not the time to reduce Federal aid to our schools that are the most disadvantaged.

Mr. Speaker, this bill needs to be sent to detention. It needs to be given an F. It needs to be rejected. It is not the way to strengthen education.

I believe in our public schools as a way to bind our communities together. We need to be investing more, not doing less.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Over the last four decades, the Federal Government's role in elementary and secondary education has increased dramatically. The Department of Education currently runs more than 80 K–12 education programs, many of which are duplicative or ineffective.

As a school board member, I saw how the vast reporting requirements for these Federal programs tie the hands of State and local leaders who want to make the best education available for their students.

Since 1965, Federal education funding has tripled; yet student achievement remains flat. More money is clearly not going to solve the challenges we face in education.

Our children deserve better. It's time to acknowledge more taxpayer dollars and more Federal intrusion cannot address the challenges facing schools. H.R. 5, the Student Success Act, will streamline the Nation's education system by eliminating more than 70 duplicative and ineffective Federal education programs; cutting through the bureaucratic red tape that is stifling innovation in the classroom; and granting States and school districts the authority to use Federal education funds to meet the unique needs of their students.

The bill also requires the Secretary of Education to identify the bureaucrats in Washington who run the programs to be consolidated or eliminated in H.R. 5 and eliminate those positions to ensure that the bureaucracy shrinks with the programs.

Additionally, this legislation will take definitive steps to limit the Secretary's authority by prohibiting him or her from coercing States into adopting academic standards like the Common Core. It also halts the executive overreach in the waiver process by prohibiting the Secretary from imposing extraneous conditions on States and local districts in exchange for a waiver.

The Student Success Act protects State and local autonomy over decisions in the classroom by removing the Secretary's authority to add new requirements to Federal programs.

Mr. Speaker, Federal policy should not tie the hands of local educators to make the best decisions for their students and communities. H.R. 5 is a step in that direction.

I urge my colleagues to support the rule and the underlying bill, and I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS), the ranking member of the Education and Workforce Subcommittee on Health, Employment, Labor, and Pensions.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, if a school said that African American children could not take advanced math, it would be wrong and illegal. I think most of us agree if a school said that Jewish children couldn't enroll in a certain program, that would be wrong—and it is illegal.

In most States in this country, though, if a school says that a child who is gay or lesbian or bisexual or transgender, or perceived to be, there is no legal protection for that child. Now, this is not simply a theoretical problem. LGBT children have been bullied and harassed and mistreated across this country. The stories are heartbreaking, and they often end in family tragedy, like suicide.

There is a serious proposal that would remedy this injustice that was sponsored by 156 Members of the House of Representatives and there was an attempt to make that in order for debate and a vote. It should have been, and it was not.

This is a serious issue. Frankly, unless the majority leadership agrees there would be a separate and independent chance to move that bill, this was the chance to move that bill.

No child should be left behind. Certainly, a child should not be left behind because of their race, their religion, their ethnicity. That should extend to their sexual orientation as well, and we should have had a chance to vote on that.

For that reason and many others, I oppose this rule.

Ms. FOXX. Mr. Speaker, Republicans do agree that schools should be safe places for all students to learn. However, as my friends and colleagues know, the amendment to which they have been referring had several parliamentary problems when it was introduced.

To begin with, it was not germane to the underlying bill.

□ 1330

Additionally, it violated CutGo provisions in House rules. My understanding is that although the CutGo issues were ultimately resolved, the amendment was not redrafted to fix the germaneness problem.

For these reasons, the amendment was not made in order.

Mr. POLIS. Will the gentlelady yield?

Ms. FOXX. No, not until I finish.

However, I appreciate the gentleman's strong feelings on the issue and respect his desire to protect students.

Mr. Speaker, I am proud of this bill, and I'm proud of the open and transparent process by which it has been brought up for consideration.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, what I was going to discuss with the gentlelady is that the CutGo issue was resolved, as she mentioned, and waivers that are routinely granted on a broad variety of amendments simply could have been approved by the Rules Committee, as is customary, and advanced this amendment to the floor.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, let me thank the gentleman for yielding and for his tremendous support.

First of all, I agree that we must take a critical look at No Child Left Behind and address its numerous shortcomings, but the Republican proposal is not the answer.

This bill guts education. It violates the civil rights of students, and it does not support educators. It leaves students with disabilities, low-income students, students of color, English-language learners, migrant students, and LGBT students out in the cold.

The so-called Student Success Act, which really is the Letting Students Down Act—that's what it really is—guts education. It guts it by $1 billion below the fiscal 2012 level, locking in, really, these already detrimental sequester cuts. It would fail to support meaningful improvements and reforms

at the Nation's lowest performing schools. This bill does not support students, it does not protect students, and in no way does it guarantee access to equal quality public education.

Finally, Mr. Speaker, let me just say, the rule fails to make in order the student nondiscrimination amendment, which would protect lesbian, gay, bisexual, and transgender students across the country from harassment and bullying. Every child deserves these protections.

So we should go back to the drawing board on this bill. We should call it for what it is, and that's ''letting students down.'' That's what this bill does. And we should really look at how we invest in our future through education rather than making it more difficult to improve student achievement.

Once again, this bill begins to erode our system of public education; it violates our students' civil rights; it does not support our teachers and our educators; and finally, let me just say, it fails to prioritize STEM education that would eliminate the Mathematics and Science Partnership program, which really is the only program at the Department of Education focused solely on teacher professional development in STEM subjects.

I hope that we vote against this rule and also the underlying bill.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Our colleagues have said that H.R. 5 guts education funding. That is not accurate. H.R. 5 authorizes funding for all programs under the act as the final appropriated amount for ESEA programs in FY 2013. Those amounts are level-funded for the 6-year life of the bill.

While authorizing spending for the act at the final FY 2013 level, H.R. 5 prioritizes Federal spending by protecting core programs. Title I aid for the disadvantaged, as well as targeted population programs: migrant education, neglected and delinquent, English-language acquisition, Indian education, and rural education are authorized at FY 2012 levels.

Additionally, because the bill consolidates many existing programs, funds currently spent on those lower priority programs have been used to increase the authorization for these core programs. As a result, our bill would authorize more spending—I'll emphasize—more spending for these core programs in FY 2014 than the President's own FY 2014 budget proposal.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 1½ minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I thank the gentleman for yielding.

I rise in opposition to the rule and to the underlying bill. This education bill fails students in so many ways it is difficult to know where to begin.

In addition to putting forth a proposal that will cause so much harm, the majority denied many opportunities for amendments and improvements to the legislation that we are considering today.

Among those amendments that were denied consideration was one offered by the gentleman from Colorado (Mr. POLIS) to prohibit discrimination in public schools based on actual or perceived sexual orientation or gender identity.

The Student Nondiscrimination Act is an important piece of legislation that will protect lesbian, gay, bisexual, and transgender students across our country from harassment and bullying and would hold schools accountable for failing to protect our Nation's children.

The Federal Government has a responsibility, Mr. Speaker, to do all that we can do to ensure the safest and best possible environment in which students can learn. When students are bullied or harassed because of who they are, they are denied the opportunity to achieve their full potential.

Refusing to include provisions of the Student Nondiscrimination Act means we are failing our duty to protect all of our Nation's children and to guarantee them a safe and nurturing environment in which to learn.

Ms. FOXX. Mr. Speaker, H.R. 5 continues the charter school, magnet school, and tutoring programs to provide parents with more choices in educating their children.

Along with parental involvement, encouraging and supporting effective teachers in the classroom is critical to student success in quality education. Most Americans can regale you with stories of their favorite teachers who made a lasting impact on their lives. H.R. 5 also supports the development and implementation of teacher evaluation systems that are designed by States and school districts with input from parents, teachers, school leaders, and other stakeholders.

In addition to evaluation systems, the Student Success Act reduces confusion and duplication by consolidating teacher quality programs into a single, flexible grant program to be used by States in school districts to support creative approaches to recruit and retain effective educators.

The recurring theme throughout this legislation is empowering the people closest to students to make decisions for their communities and ensuring that the law is flexible to meet the needs of diverse States, regions, and student populations.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy.

H.R. 5 takes a U-turn for educational policy.

It is interesting, our friends on the Republican side of the aisle in a farm bill a couple of weeks ago managed to unite environmentalists, farm groups, and taxpayer advocates in unanimous opposition to their proposal, and now they have done it again. They brought together business, education, civil rights groups, and a broad cross-section of organizations that don't agree with each other very often to oppose this bill. In part, it is what happens when you simply refuse to work in a bipartisan and cooperative fashion, as the committee used to do.

I have a very vivid example of the impact of this shortsighted approach. I represent Grant High School in Portland, Oregon. They won the national competition for the U.S. Constitution contest. That project of ''We the People'' has been zeroed out by Congress, and programs like this are not going to come back if we approve the approach of this bill.

It not only continues to undercut programs for education, the overall spending for education is, in fact, dramatically reduced. It keeps the sequestration cuts. We are going to lose over $10 million this year in Oregon, for instance. And worse, it locks in the post-sequestration funding level through 2019.

In addition, it takes away protections for key priority programs, dismantling provisions that would ensure equity. This legislation undermines the Federal partnership with the State and local communities to support education. That is why it is opposed by such a wide array of groups and why this House should reject it as well.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

It is really puzzling why our colleagues continue to misrepresent what H.R. 5 does when the public can read the bill and know the truth. For example, our colleagues have said that H.R. 5 eliminates protections for students with disabilities, low-income students, and students from major racial and ethnic groups. This charge is simply false.

The Student Success Act maintains annual testing requirements in reading, math, and science. It also maintains the law's requirement that schools in districts disaggregate and report subgroup data on student performance. This ensures student achievement results for special needs students and other traditionally disadvantaged populations are transparent and parents and communities have the information they need to evaluate their schools properly.

Critics of this approach believe in the now widely discredited premise captured in No Child Left Behind that the Federal Government can and should devise an accountability system appropriate for all of the nearly 100,000 public schools in the country. Frankly, Mr. Speaker, that is one of the most widespread criticisms of what we have known as No Child Left Behind, which was really a reauthorization of this bill several years ago. It is puzzling to me that they continue to criticize what is

bad about what exists and yet say they want to do it again. It doesn't make any sense.

H.R. 5 is based on a different premise that true education reform comes not from the top down, but from the bottom up.

Acknowledging that Washington can't fix schools does not mean we are backing away from our strongly held belief that schools should have standards to which they are accountable and that those standards should be equally applied across all school groups. It means we must empower and trust States and communities, those closest to the classroom, to develop an accountability and school improvement system that best meets the educational needs of their students.

All of the wisdom of the world is not in Washington, D.C., Mr. Speaker. It is out there in the country. It is out there with the local people, with the American people who are very bright and know how to do things for themselves.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to inquire of the gentlelady if she has any remaining speakers.

Ms. FOXX. We do not, Mr. Speaker.

Mr. POLIS. I would like to inquire of the Speaker how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Colorado has 3 minutes remaining.

Mr. POLIS. Mr. Speaker, I yield myself the remainder of the time.

First, in response to the gentlelady's, Ms. FOXX's, allegation that Members on our side of the aisle have misrepresented the bill, that is completely false.

The bill does, in fact, remove the 1 percent cap for students with disabilities. A school district or a State can say, We are not even looking whether students with disabilities are making progress at all. Perhaps we are excluding every child with an IEP; we are excluding every child that receives IDEA funding, Federal funding, for taxpayer money that we are custodians for.

In addition, it allows States to define success downward. Rather than having meaningful college and career-ready standards, a State can simply say, We write our standards such that we are going to make all of our students brilliant because they are all going to pass it, then we are going to pat ourselves on the back and say, ''Job well done.'' Those kids might not be ready for college and they might not be ready for careers. We, as a nation-state, cannot afford not to do better with regard to serving our public kids.

This bill slashes education funding. I don't know how you call moving $3.6 billion worth of programs into a $2 billion block grant anything less than slashing education funding.

What is being eliminated? School improvement grants, turning around some of our lowest performing schools and giving them the opportunity to succeed. Race to the Top, which has encouraged reforms at the State level, including my home State of Colorado, which replaced teacher tenure with an evaluation system, with bipartisan support.

□ 1345

Investments in innovation: replacing these important, tangible programs that are some of the highest-leveraged dollars that the Federal Government spends, which is amorphously block-granting money to States, sending more money into the ''system'' without any reforms or any accountability required.

As elected officials who are concerned about our Nation's welfare and as providers of 10 percent of education funding, we in the Federal Government have an obligation to provide transparency and accountability and, yes, to be a referee in the K–12 education system. We have an obligation to ensure that schools cannot fail kids year after year. We cannot retreat from the goals of No Child Left Behind, and while it was flawed, it has shined light on achievement gaps for minority and low-income students, and has unleashed State- and local-based reforms that we are just beginning and continue to benefit from. We need to use what we have learned from our experiences under No Child Left Behind to build on what reform-minded States and districts are doing. We need to encourage flexibility, improve and streamline the Federal role, invest in what works, and change what doesn't work.

I look forward to working together across the aisle to provide more transparency, accountability and to ensure funding equity in our Nation's schools. H.R. 5 would bring us back to a time in which adults had every incentive to hide poor student performance and students were left to attend failing schools for generations—without choice and without recourse.

Mr. Speaker, I urge my colleagues to vote ''no'' and defeat this partisan bill. I urge a ''no'' vote on this restrictive rule and the bill. I encourage my colleagues to move forward in improving our public education system.

I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Many of my Republican colleagues and I feel that the Federal Government should be out of education altogether, but that is not what we are recommending here. Rather, H.R. 5 is a reasonable first step in empowering the people closest to the students to make decisions for those students.

That being said, as long as taxpayer money is being used by the Federal Government to fund education, Congress must ensure that funding recipients are being held accountable for how they use that hardworking taxpayer money. Washington must live within its means just as families all across this country do, and limited resources require wise stewardship. Again, those closest to the students—parents, teachers, principals, local school boards, school district leaders, and States—know what works best for their diverse student populations.

The Student Success Act recognizes this by allowing States to develop their own accountability systems that incorporate three broad parameters: an annual measure of the academic achievement of all public school students against State academic standards; an annual evaluation and identification of the academic performance of each public school in the State based on student academic achievement; a school improvement plan to be implemented by school districts when schools don't meet the State standards. These broad accountability measures not only serve to steward taxpayer money carefully but ensure parents have the information needed to make the best decisions about their schools' education.

Let's give control back to the people who know the needs of their students and communities best, and let's pass this rule and underlying bill. We tried it the other way, and it hasn't worked. Control from Washington has not brought us improvement in our educational programs.

Mr. Speaker, my background as an educator, school board member, mother, and grandmother reinforces my belief that students are best served when people at the local level are in control of education decisions. I also believe that education is the most important tool Americans at any age can have. I was the first person in my family to graduate from high school and go to college, where I worked full time and attended school part time. It took me 7 years to earn my bachelor's degree, and I continued to work my way through my master's and doctoral degrees.

From my own experience, I am convinced this is the greatest country in the world for many reasons, not the least of which is that a person like me, who grew up extremely poor in a house with no electricity and no running water, and with parents with very little formal education and no prestige at all, could work hard and be elected to the United States House of Representatives.

No legislation is perfect, and that is why I look forward to working with my colleagues to address their concerns and improve the Student Success Act through the amendment process. However, I have never been one to let the perfect be the enemy of the good, and while H.R. 5 isn't perfect, it's a step in the right direction of reducing the Federal role in education, empowering parents, teachers and local school districts, and increasing local control. That's why I am a proud cosponsor of this legislation, and I urge my colleagues to vote in favor of this rule and the underlying bill.

I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 303, if ordered, and on approval of the Journal.

The vote was taken by electronic device, and there were—yeas 232, nays 192, not voting 9, as follows:

[Roll No. 364]

YEAS—232

Aderholt
Alexander
Amash
Amodei
Bachmann
Bachus
Barber
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Peters (CA)
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NAYS—192

Andrews
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
O'Rourke
Owens
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—9

Conyers
Diaz-Balart
Herrera Beutler
Holt
Horsford
McCarthy (NY)
Negrete McLeod
Pallone
Young (FL)

□ 1416

Messrs. RANGEL, GARCIA, and Ms. GABBARD changed their vote from ''yea'' to ''nay.''

Mr. TURNER and Ms. SINEMA changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 230, nays 190, not voting 13, as follows:

[Roll No. 365]

AYES—230

Aderholt
Alexander
Amash
Amodei
Bachmann
Bachus
Barber
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gabbard
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Holding
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stivers
Stockman
Stutzman
Terry
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOES—190

Andrews
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright

Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
O'Rourke
Owens
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—13

Braley (IA)
Conyers
Diaz-Balart
Herrera Beutler
Holt
Horsford
Hudson
Lynch
McCarthy (NY)
Negrete McLeod
Pallone
Stewart
Young (FL)

□ 1424

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HUDSON. Mr. Speaker, on rollcall No. 365, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. BRALEY of Iowa. Mr. Speaker, on rollcall No. 365, had I been present, I would have voted "no."

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 278, nays 143, answered "present" 1, not voting 11, as follows:

[Roll No. 366]

YEAS—278

Aderholt
Alexander
Amodei
Bachmann
Bachus
Barletta
Barrow (GA)
Barton
Beatty
Becerra
Bentivolio
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bustos
Butterfield
Calvert
Camp
Campbell
Cantor
Capito
Capps
Carney
Carson (IN)
Carter
Cassidy
Castro (TX)
Chabot
Chaffetz
Cicilline
Clarke
Clay
Cleaver
Clyburn
Coble
Cole
Collins (NY)
Cook
Cooper
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Cummings
Daines
Davis (CA)
Davis, Danny
DeGette
DeLauro
DelBene
Dent
DesJarlais
Deutch
Dingell
Doggett
Doyle
Duncan (SC)
Duncan (TN)
Ellmers
Engel
Enyart
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fleischmann
Forbes
Fortenberry
Foster
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Goodlatte
Gosar
Gowdy
Granger
Grayson
Griffith (VA)
Grimm
Guthrie
Hahn
Hall
Hanabusa
Harper
Harris
Hartzler
Hastings (WA)
Heck (WA)
Hensarling
Higgins
Himes
Hinojosa
Huelskamp
Huffman
Hultgren
Hunter
Hurt
Issa
Johnson (GA)
Johnson, Sam
Jones
Kaptur
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Kline
Kuster
Labrador
LaMalfa
Lamborn
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latta
Lipinski
Loebsack
Lofgren
Long
Lowenthal
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Marino
Massie
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meadows
Meehan
Meeks
Meng
Messer
Mica
Michaud
Miller (MI)
Miller, Gary
Moran
Mullin
Murphy (PA)
Nadler
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
O'Rourke
Olson
Palazzo
Pascrell
Payne
Pelosi
Perlmutter
Perry
Peters (CA)
Petri
Pingree (ME)
Pittenger
Pitts
Pocan
Polis
Pompeo
Posey
Price (NC)
Quigley
Rangel
Ribble
Rice (SC)
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan
Ruppersberger
Rush
Ryan (WI)
Salmon
Sanford
Scalise
Schiff
Schneider
Schock
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stewart
Stutzman
Swalwell (CA)
Thornberry
Titus
Tonko
Tsongas
Upton
Van Hollen
Vargas
Wagner
Walorski
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Yarmuth
Yoho
Young (IN)

NAYS—143

Amash
Andrews
Barber
Barr
Bass
Benishek
Bera (CA)
Bishop (NY)
Brady (PA)
Braley (IA)
Broun (GA)
Bucshon
Burgess
Capuano
Cárdenas
Cartwright
Castor (FL)
Chu
Coffman
Cohen
Collins (GA)
Conaway
Connolly
Costa
Cotton
Courtney
Crowley
Davis, Rodney
DeFazio
Delaney
Denham
DeSantis
Duckworth
Duffy
Edwards
Ellison
Fitzpatrick
Fleming
Flores
Foxx
Garamendi
Garcia
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Gutiérrez
Hanna
Hastings (FL)
Heck (NV)
Holding
Honda
Hoyer
Hudson
Huizenga (MI)
Israel
Jackson Lee
Jeffries
Jenkins
Johnson (OH)
Johnson, E. B.
Jordan
Joyce
Kilmer
Kind
Kinzinger (IL)
Kirkpatrick
Lance
Latham
Lee (CA)
Levin
Lewis
LoBiondo
Lowey
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Marchant
Matheson
McDermott
McGovern
Miller (FL)
Miller, George
Moore
Mulvaney
Murphy (FL)
Neal
Nolan
Pastor (AZ)
Paulsen
Pearce
Peters (MI)
Peterson
Poe (TX)
Price (GA)
Radel
Rahall
Reed
Reichert
Renacci
Rigell
Rogers (MI)
Rohrabacher
Rooney
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Sewell (AL)
Sires
Slaughter
Smith (MO)
Southerland
Stivers
Stockman
Takano
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tipton
Turner
Valadao
Veasey
Vela
Velázquez
Visclosky
Walberg
Walden
Woodall
Yoder
Young (AK)

ANSWERED "PRESENT"—1

Owens

NOT VOTING—11

Conyers
Diaz-Balart
Gohmert
Grijalva
Herrera Beutler
Holt
Horsford
McCarthy (NY)
Negrete McLeod
Pallone
Young (FL)

□ 1432

So the Journal was approved.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 580

Mr. MEEKS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 580.

The SPEAKER pro tempore (Mr. WEBSTER of Florida). Is there objection to the request of the gentleman from New York?

There was no objection.

STUDENT SUCCESS ACT

GENERAL LEAVE

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 303 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5.

The Chair appoints the gentleman from Washington (Mr. HASTINGS) to preside over the Committee of the Whole.

□ 1434

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. KLINE) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. KLINE. Mr. Chairman, I rise today in strong support of H.R. 5, the Student Success Act, and yield myself as much time as I may consume.

The Student Success Act will take a critical step toward real reform of our education system. This legislation will restore local control, empower parents, eliminate unnecessary Washington red tape and intrusion in schools, and support innovation and excellence in the classroom.

As chairman of the House Education and the Workforce Committee, I've heard countless stories of the amazing progress being made in schools across the country. This success isn't due to heavy-handed dictates from Washington; rather, it reflects the work of dedicated parents, teachers, principals, superintendents, and State officials who decided the status quo is just not good enough for our kids.

In dozens of committee hearings over the last few years, my colleagues and I have had the honor of speaking with many of these reformers. We learned about the groundbreaking programs and initiatives they've implemented to serve students more effectively.

We listened to the ways they are working to hold schools more accountable, not just to the government but to their local communities and families. And we heard impassioned stories of how much more these dedicated reformers would do for our children if not for the slew of onerous Washington mandates and outdated regulations standing in the way.

Our children deserve better. But instead of working with Congress to fix the problems in current K–12 education law, the Obama administration chose to go rogue, granting temporary waivers in exchange for implementing the President's preferred reforms. Thirty-nine States and the District of Columbia are now beholden to new Federal standards crafted without congressional consent, representing an unprecedented expansion of Federal control over our Nation's classrooms.

It's time for a new way forward, Mr. Chairman, that starts with passage of the Student Success Act. This commonsense legislation reflects what we've learned from parents, teachers, and education leaders nationwide, and embodies four principles vital to a stronger education system in which all students have the opportunity to succeed.

First, the bill before us today will reduce the Federal footprint in our classrooms. For too long, Federal overreach has tied the hands of American educators. The Student Success Act will put an end to the administration's convoluted conditional waiver scheme and take concrete steps to rein in the Secretary of Education's authority.

The legislation also will eliminate more than 70 Federal programs, end the rigid Federal accountability metrics and overly prescriptive school improvement requirements, and grant States the freedom to develop their own plans to raise the bar, all of which will help ensure a more focused, streamlined, and transparent Federal role in the Nation's education system.

Second, the legislation will restore local control by providing States and school districts the flexibility they need to spend Federal funds where they are needed. School leaders know best which programs and initiatives will have the greatest benefit for their students' achievement. We must support policies that encourage more local decisionmaking and allow these knowledgeable school leaders and administrators to do what they do best: educate America's children.

Third, the Student Success Act recognizes a better education system cannot come without better educators. The legislation will eliminate Federal requirements that value credentials over a teacher's ability to educate students. Instead, States or school districts should develop their own evaluation systems based, in part, on student achievement, ensuring teachers can be judged fairly on their effectiveness in the classroom.

Finally, the Student Success Act will empower parents. No one has a better understanding of a child's strengths and challenges than his or her parents, and no one—no one—is more invested in making sure their child achieves his or her full potential. H.R. 5 provides parents more freedom and choice by reauthorizing and strengthening the Charter School Program and improving tutoring and public school choice initiatives.

We have an opportunity before us today, for the first time in more than a decade, to approve new K–12 education legislation in the House of Representatives. We have an opportunity to lend our support to legislation that will tear down barriers to progress and grant States and districts more freedom to think bigger, innovate, and take whatever steps are necessary to put more children on the path to a brighter future.

I urge my colleagues to join me in taking this critical step toward real reform, and ask you to vote ''yes'' on the Student Success Act.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I yield myself 5 minutes.

Mr. Chair, I rise in opposition to H.R. 5, the Letting Students Down Act.

H.R. 5 is supposed to be the reauthorization of the Elementary and Secondary Education Act and a rewrite of No Child Left Behind. The Elementary and Secondary Education Act was born out of Brown v. Board of Education. It is our Nation's education law, but it is fundamentally a civil rights law.

H.R. 5 runs our country in the opposite direction from those civil rights promises. This bill guts funding for public education. It abdicates the Federal Government's responsibility to ensure that every child has the right to an equal opportunity and a quality education. And it walks away from our duty to hold school systems accountable to students, parents and taxpayers.

For decades, providing all children with a quality education has been considered such a critical national priority that we have always found a way to come together in a bipartisan fashion to reauthorize and to update the Elementary and Secondary Education Act.

We all recognize that a good education is a great equalizer, no matter where you come from, and it is necessary for a strong economy and a vibrant democracy. Each reauthorization of the Elementary and Secondary Education Act, in its own way, has moved our national education system forward.

That's why now-Speaker JOHN BOEHNER and I worked with then-Senator Ted Kennedy and President George W. Bush in crafting the No Child Left Behind Act more than a decade ago. We agreed that there was a soft bigotry of low expectations in our education system. We agreed that schools were hiding low achievement by some students by using the averages of performance in the schools, and it was wrong. Parents wanted to know how their child was doing, not how the average child in the school was doing.

No Child Left Behind turned the lights on inside our Nation's schools. For the first time, parents could see whether or not their schools were actually teaching all students. Were they serving their student?

And in the decade since the law has been in effect, the evidence is irrefutable that all kids can learn, given the opportunity to succeed, regardless of their background, just given a chance.

However, as someone who has listened to experts in communities across

the Nation and its pros and cons, I recognize that we now need to modernize the education law, No Child Left Behind, with fundamental changes. No Child Left Behind is very much the education reform of the past. It is inflexible, and encouraged some to lower their standards, to reduce their standards, to dumb down their standards, which this Nation cannot tolerate.

That's why it's time to rewrite this law, to embrace the principle that all students can learn if they're given an opportunity, and to encourage high standards that meet the needs of the 21st century global economy.

Unfortunately, H.R. 5 moves our education system in the wrong direction for students and schools already struggling under a broken system, and lets American kids down at a critical time.

H.R. 5 lets our students down by not guaranteeing all students have access to world-class, well-rounded educational opportunities needed to compete in a global economy.

It lets our students down by locking sequestration cuts into education funding. It allows funds to be moved away from schools with the most poverty, and removes the requirements of States and districts to adequately fund their schools.

It lets down students with disabilities by allowing schools to lower their standards for educating these children. And it lets our students down by not building on a broad consensus that we should continue to demand high standards of all students.

An extraordinary cross section of business, labor, civil rights, disabilities and education groups are opposing this bill because it lets our Nation's children down. It lets our economy down.

The National Center for Learning Disabilities says that this bill would dramatically alter the academic landscape for students with disabilities, jeopardizing their ability to graduate from high school or to go to college or to obtain employment.

□ 1445

The Leadership Conference on Civil Rights believes that the merit of an education bill is determined by its treatment of the most disadvantaged among us. Yet H.R. 5 permits Federal funds targeted for this vulnerable group of students, such as English language learners and Native American students, to be reallocated for other purposes.

The business community opposes this bill. The U.S. Chamber of Commerce is disappointed that the bill ''does not demand targeted support and real improvement for students stuck in low-performing schools or for students whose schools are not teaching them the basics in reading and math.''

I agree with these concerns. This bill is a huge step outside the mainstream consensus and an even bigger step backward for our Nation's students. We should be embracing the drive towards high standards across this country and ensuring that all of our children in all States benefit from this improved education system.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield myself an additional 30 seconds.

I hope that my colleagues on the other side of the aisle will agree that a bipartisan Elementary and Secondary Education Act authorization is the right process we should move forward. This is about every child in our country getting the education they deserve, regardless of poverty, disability, or other challenges. To walk away from that commitment means letting our students down, letting the parents down, and letting down taxpayers who demand accountability. It means letting down teachers who deserve support. It means letting down businesses who are counting on our school system to produce college- and career-ready graduates. It means letting down our future.

We can do better than this. We can do it way better than this. I urge a ''no'' vote on H.R. 5, and I reserve the balance of my time.

Mr. KLINE. Mr. Chair, I am very pleased to yield 4 minutes to the chairman of the Subcommittee on Early Childhood, Elementary, and Secondary Education, the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. Mr. Chairman, I stand today in support of parents, teachers, and our communities. I stand in support of local government versus Federal Government. And most importantly, I stand in support of our children and urge my colleagues to pass the Student Success Act.

I want to thank the distinguished gentleman from Minnesota for his leadership and the members of the Committee on Education and the Workforce for their efforts in writing this legislation.

The Student Success Act is a huge step forward that empowers parents and teachers to make decisions regarding the education of our children while maintaining high expectations and measuring teacher effectiveness. For far too long, Federal education bureaucrats have sucked up needed education dollars and hamstrung our teachers, but they've done little to improve education in our Nation. And now they want what really amounts to a national curriculum. But is there any doubt bureaucratic red tape and a one-size-fits-all approach have left far too many of our children behind?

We wrote this legislation because we believe that parents and teachers care for our children more than career bureaucrats at the Department of Education. We trust parents. We trust ourselves. We trust the States and our communities to determine what success is and how best to achieve it.

Recently, I had the opportunity to visit the SENSE Charter School in my home State of Indiana. What I saw in the students there was nothing short of young people who were reaching and even exceeding their potential. What that visit also showed—and I've seen it in other schools and read it in letters I've received and saw it again as recently as this week at the Two Rivers Charter School in Washington, D.C.—was that, when given a choice, Mr. Chairman, parents will put their children in the schools that best fit their education needs and not the bureaucrats. Choice works. And funding shouldn't be tied to cookie-cutter Washington standards. It should be about what works and what doesn't work.

SENSE Charter School was just one more example of the fact that the best ideas don't come from the top down, don't come from Congress, or even from the executive branch. They come from those who know and care the most about our children—and that's parents and communities. It's time to step back and truly ask what's best for our children and families.

I came to Washington as part of a new crew who came here to change how Washington does business. The Student Success Act is certainly different by Washington standards, as we've just heard. Those on the other side of the aisle always advocate education policy that tells us as parents and as teachers that Washington knows best and that problems can only be solved with a new program and a bigger bureaucracy. This is nothing short of arrogant, Mr. Chairman. Frankly, it's pessimistic. It's pessimistic because it says that, when given the opportunity to make decisions in the best interest of children, parents will fail and that Washington is smarter.

I'm an optimist, and I'm also a realist. We are optimistic that parents know what is best for their children. They need us to cut the Washington red tape blocking their way. And for our optimism we are likely to be the subject of demagoguery during this debate. Critics will say we want to harm children by cutting funding from a massive bureaucracy in Washington. We just heard some of that. Of course, they ignore the track record of a bureaucracy that treats our children as nothing more than nameless, faceless statistics; a bureaucracy that demands we continue throwing good money after bad because these false arguments have been around for far too long.

If we are to truly be a society that prioritizes education and the success of our children, we must no longer blindly throw money away. We must trust in parents and teachers to know what is best for students, not the President and not the Secretary of Education. This bill does that.

The CHAIR. The time of the gentleman has expired.

Mr. KLINE. I yield the gentleman an additional 30 seconds.

Mr. ROKITA. The Student Success Act empowers parents and teachers, maintains high standards and measures

of teacher effectiveness, reduces the enormous footprint of the Federal education bureaucracy, and finally gives parents, teachers, and States the flexibility they need, Mr. Chairman, in setting curriculum and educating our children.

I urge, again, all of my colleagues to support this bill.

Mr. GEORGE MILLER of California. Mr. Chair, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, 11 years after Brown v. Board of Education presented an unfulfilled promise, in 1965 the Congress passed a law that said that we should have Federal resources for the children that were achieving the least in America's most difficult schools, many of whom were children of color. For 35 years after that, the essential strategy of the Elementary and Secondary Education Act was to send Federal money to these schools and hope that they tried their best. It didn't work.

In 2001, in a truly bipartisan effort led by Chairman MILLER at the time; Speaker BOEHNER, who was chairman of the committee at the time; the late Senator Kennedy; President George W. Bush and others got together and said, We're going to keep the resources flowing, but we're going to expect results. We're going to measure whether children can read and calculate, and we're going to see what happens. In the first 5 years after that law passed, there were more gains than had been made in the previous 15 years for African American and Latino children.

We hit a wall in about 2005. Rather than think about why that wall was hit and how we could work together to fix it, this bill goes in a whole different direction backwards to 1965. This bill essentially says: no strings attached, here's billions of dollars to local schools. We trust and hope that you will do your best. I think most of them will. But history shows that some of them won't. And when they leave behind African American children, leave behind Latino children, leave behind children with disabilities, that's not good enough for them, and that's not good enough for our country.

We should oppose this bill.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to the gentlelady from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank the chairman for yielding.

Mr. Chairman, like many of my colleagues, I support H.R. 5, the Student Success Act. I believe that States and school districts should be empowered to set their own priorities when educating our Nation's children. I also believe in supporting Florida's parents, teachers, and administrators to make sure that they have the resources necessary to give our children a world-class education, including in civics.

Civics education, Mr. Chairman—the study of the rights and the duties of citizenship under our government—is an essential component to sustaining our constitutional democracy. There is no more important task than the development of an informed, effective, and responsible citizenry.

According to the 2010 National Assessment for Educational Progress—our Nation's report card—only 24 percent of high school seniors scored proficient in civics. That means that they had problems with the U.S. Constitution, civil rights, our social system, and our court system. Only 22 percent of eighth graders scored proficient, meaning that they could not recognize the role performed by the Supreme Court or identify the purpose of the Bill of Rights.

Civics education programs like Close Up aim to improve the dismal results by allowing students and their teachers to participate in activities here in our Nation's Capital to increase civic responsibility and a true understanding of the Federal Government. Civic engagements activities are essential. They're important for underserved populations like in my congressional district. I support programs that allow elementary school and secondary school students to improve academic achievement through civics education.

So I'm glad that the Student Success Act empowers States and school districts to determine their own priorities, and I urge support for specific programs like civic education.

Mr. GEORGE MILLER of California. Mr. Chair, I yield 1½ minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chair, I rise in strong opposition to H.R. 5, a bill which denies America's children access to high-quality education and a chance to lead successful and prosperous lives.

Mr. Chairman, I chose not to offer any amendments today because I believe this Republican bill is beyond repair and would exacerbate existing inequities in public education, causing irreparable harm to disadvantaged students. H.R. 5 slashes education by over $1 billion next year by locking in the sequester funding levels at a time when our Nation's schools are becoming increasingly diverse. Now more than ever our Nation's public schools need increased Federal funding to prepare all students for college careers and to equip them with a well-rounded education. To make matters worse, the Republican bill removes the Maintenance of Effort requirement in current law that ensures that States maintain education funding.

Simply put, this is no time to gut critical education funding for America's children. This Republican bill abandons the Federal Government's historic commitment to educating disadvantaged populations. H.R. 5 block grants vital programs targeted for English language learners; migrant children; neglected and delinquent youth; and Indian education; and allows States and districts to siphon away these Federal funds and use them for other purposes.

This Republican bill has no expectation that all students graduate from high school and are prepared for college and careers. More to the point, H.R. 5 does not require States to set college- and career-ready standards and eliminates performance targets for all students.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman an additional 30 seconds.

Mr. HINOJOSA. I am concerned that this Republican bill walks away from English language learners by removing measurable performance targets for content mastery and second language acquisition. Furthermore, it is failing to require native language assessments for English language learners.

In a globally competitive world, all students must be equipped with the skills they need to succeed in school and life. I urge my colleagues on both sides of the aisle to join me in opposition to H.R. 5.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to a member of the committee, the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. I would like to thank the chairman for yielding. I am very grateful to Chairman JOHN KLINE and Subcommittee Chairman TODD ROKITA for their leadership on this very important issue for our children.

Mr. Chairman, big government often creates big problems. Our education system needs limited government reform. Having access to the highest quality education paves the path for tremendous opportunity, success, and fulfillment. Locally elected school boards, hardworking teachers, school administrators, and active parents know what's best for our children's education needs, not Washington bureaucrats.

The passage of today's bill, the Student Success Act, will promote our education system by limiting Washington's influence so that our leaders on the local level and classroom teachers have the power to make decisions to help America's children succeed.

South Carolina's Second District has a wide range of diverse school districts. We have children from all backgrounds of life—wealthy, poor, rural, and urban communities. As an appreciative husband to a retired schoolteacher, I've seen firsthand what we need to do to help our children succeed. The best way to adequately prepare our children for the future is to empower our locally elected school boards, who are responsive to input from parents and teachers.

□ 1500

What works in suburban Lexington communities may not work in rural Barnwell County.

The President's pushing of government education neglects our young people and maintains ineffective, status quo education practices. We must change course.

It is time for a different, commonsense approach. We must reform our education system in order to provide a brighter future for our children and grandchildren.

I urge my colleagues on both sides of the aisle to support this piece of legislation. By putting faith in our educators, school board members, parents and administrators, we can give every child what he or she deserves—quality education to fulfill their dreams.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, this bill fails to enact real reform, put students first, or invest in a well-educated and highly trained workforce. In particular, it neglects to hold schools accountable for student success and does not invest in quality teacher education development programs.

Of additional concern is that H.R. 5 reverses decades of protections for students with disabilities. Now, I cannot support a bill that undoes so much of what we have fought for and accomplished over the past 30 years. Instead, I'll support the substitute offered by Ranking Member MILLER, which addresses many of the concerns that I have and with whom I was proud to work on a provision which includes comprehensive career counseling as an allowable use of local funds.

As cochair of the Career and Technical Education Caucus, I know that school counselors play a critical role in helping students move into careers that meet their individual needs, whether it's at a 4-year university, a 2-year degree, or professional certification.

I believe that the ranking member's provision is the best way to go, and I do thank the ranking member for offering his amendment.

Mr. KLINE. Mr. Chairman, I yield 2 minutes now to the chairman of the Subcommittee on Health, Employment, Labor, and Pensions, the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I thank the chairman for yielding.

Mr. Chairman, I rise in strong support today for the Student Success Act, H.R. 5.

The goal of increasing accountability within education under No Child Left Behind was a worthy one, but the reality of the law is that there is too much Federal control and too many mandates put upon our States, our local school administrators, and our teachers. Our bill today makes needed reforms that will move us closer to our shared goal of ensuring every American child receives a quality education.

Under the Student Success Act, we are giving States and school administrators the flexibility to meet the unique local needs they understand far better than Washington bureaucrats.

I have listened carefully to the concerns of teachers in Tennessee's First District; And if there's one thing I've learned, it's that the current accountability mechanisms undermine parents' confidence in their schools without providing any useful information—and by the way, my next-door neighbor is an elementary school principal whom I speak to regularly about these things.

Today, we are eliminating Adequate Yearly Progress, a well-intentioned, but unworkable, accountability metric, and repealing the Highly Qualified Teacher requirement in favor of State and local teacher evaluation systems. The effectiveness of a teacher should be judged by how well students learn, not how many credentials are hanging on a wall.

Right now, there is a confusing web of overlapping programs, and we need to step back and ask a simple question: Are these programs actually meeting the needs of the students? That's why we create a Local Academic Flexibility Grant, which replaces 70 of these overlapping and often ineffective programs with one flexible grant to States. With this grant, States and school districts can help ensure local challenges are met.

Because we have too many kids trapped in failing schools, this bill strengthens charter schools, which have become a viable educational option for thousands of hardworking students without other options.

Finally, in recent years, the administration has been able to coerce States into adopting reforms using what is known as the Common Core Standards Initiative by offering waivers from current law. Many are concerned Common Core could become the foundation for a national curriculum. This bill will prevent States from being required to adopt Common Core and ensures that States will be able to choose which reforms they want to enact.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, we all agree that No Child Left Behind is outdated. A diverse coalition of education, of business, and of civil rights leaders also agree that H.R. 5 is not the right answer.

H.R. 5 fails on all measures to promote educational equity, provide a well-rounded education, and help struggling schools succeed.

It fails our hardworking teachers by creating evaluation systems without providing professional development.

It fails to make the right investments by block granting critical programs and locking in across-the-board cuts.

What kind of a message does this bill send to our future leaders, to our scientists, our teachers and innovators?

Investing in education, well, it's not just good for our economy and our competitiveness. It is key to our national security, as generals and admirals have expressed to me through my work as ranking member of the Armed Services Personnel Subcommittee.

So now, more than ever, we can't afford to let our kids down. I urge my colleagues to say ''no'' to H.R. 5.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to the chairman of the Workforce Protection Subcommittee, the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. I thank my chairman.

Mr. Chairman, our children are being held back by an outdated, cumbersome, and overbearing Federal system. It's clearly not working. Statistics show that only 34 percent of our eighth graders are proficient in reading and nearly one in four high school students fails to graduate on time.

For the last 40 years, we have not seen any significant improvement in students' math, English and science scores. These results are especially frightening at a time when we are spending three times more on education than we did in 1970.

Since then, the Federal Government's arm has extended even further into local school districts, leaving teachers and parents restricted by a growing number of rules and costly requirements. In one of the worst examples of this, the Department of Education has chosen to grant States waivers from a failing policy, but only if those States decided to adopt standards deemed necessary by Washington bureaucrats and not by Congress, let alone their educators.

Students and parents need real solutions with freedom and choice, not short-term fixes with more Federal intrusion. We need to get the Federal Government out of the way and instead work with the teachers, parents, superintendents, and State leaders who are already working hard to raise the standards of our schools in Michigan and throughout the Nation.

The Student Success Act's emphasis on increased State and local control by people closest to our kids will help put more students on a course for a successful future.

As a parent and grandparent, I encourage my colleagues to support the Student Success Act.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I rise in opposition to the underlying bill on behalf of an entire generation of south Florida's children.

The stakes could not be higher. Our K–12 public education system is essential for preparing the next generation of Americans to excel in life and to compete for the high-skilled, high-wage jobs in the global economy. It's why access to quality public education

has been a central priority for me throughout my legislative career. Yet faced with this national priority, the bill before us is a step backward, not forward. It locks in $1.3 billion of irresponsible sequester cuts, including tens of millions of dollars that will come straight out of the classrooms of Broward and Miami-Dade Counties, which I represent.

For an outstanding teacher like Joan Rapps at Mirror Lake Elementary in Broward County, it means fewer resources for her second graders, less extra help, and fewer opportunities to develop as a professional as she strives to help our students rise above all hurdles. We cannot allow this to happen.

This Congress could be working to make it possible to have an excellent teacher in every classroom, engage parents, and empower educators with the resources they need to help every child achieve success. Sadly, with this bill, we are doing the opposite.

Mr. KLINE. Mr. Chairman, I yield 1 minute now to a member of the committee, the gentleman from Arizona (Mr. SALMON).

Mr. SALMON. Mr. Chairman, I rise in strong support of H.R. 5, the Student Success Act. This is the first real glimmer of sanity and common sense on Federal education policy probably in the last 20 or 30 years. I congratulate the chairman.

As one of the speakers said before me, in the last 30 years, our international standing on STEM classes and math and science has gone from first place—I believe we're somewhere between 10th and 15th place on the international test scores.

I used to listen to an adage from my father where he said if you keep doing what you're doing, you're going to keep getting what you're getting. We've had this encroachment of Federal Government time and time again in education policy. It doesn't work. This gives the flexibility to put the decisions back into the local governments—teachers, parents, classrooms, and school boards—and that's where it needs to be. One size does not fit all and Washington is not the font of all knowledge. We can do better and we will do better, and this will do much better

I have two letters from people in my local community, education leaders that have come out in strong support of this bill, and they're hard to please. So I will enter them in the RECORD.

JULY 17, 2013.

Hon. MATT SALMON,
Rayburn HOB, Washington, DC.

REPRESENTATIVE SALMON: Reading a bill with ''common'' sense reform (no pun intended) for a broken education system is finally giving a voice to the frustration of millions of Americans witnessing the results of an over-regulated, burdensome, inflexible, one size fits all government intrusion into the education of our most precious resource—our children. Although this bill may not address all concerns for all citizens, HR5 is a breath of fresh air and a good start in the right direction.

The long overdue ESEA Reauthorization asserts our 10th Amendment right by reducing the federal role in education and properly restoring that authority to the states and local communities. This bill limits the authority of DOE, eliminates overlapping programs, requires more transparency, and removes the ability of the secretary of education to coerce states to adopt National Common Core Standards and Assessments—standards that only Washington D.C. based trade associations (not parents, teachers, schools, or states) have the authority to change. The DOE states they do not control curriculum but with the assessments aligning to the standards, of course the curriculum will also need to align to the same standards.

HR5 provides more school choice for parents. It strengthens schools and student's needs in targeted populations by giving more flexibility with streamlined funding. Teachers will be evaluated by a state run system based on their actual ability to teach rather than by their credentials. Valuable classroom time can be spent on the needs of individual students instead of worrying how test scores will affect teacher evaluations. Haven't we already played that song with the AIMS test? We should nurture and develop, rather than stifle our educators love and spirit of teaching our youth. HB5 will provide the mechanism to accomplish this.

This bill gives states the opportunity to regain autonomy, not only in the classroom, but internationally. Prior to the creation of the DOE, we had an envious ranking when benchmarked with other countries. Contrary to DOE claims, there is no proof Common Core is ''internationally'' benchmarked. How can it be—it is a pilot program with our children being used as the guinea pigs.

Our education system works best when government limits its role to aiding and supporting the states—not controlling them. HR5 doesn't cure all issues, but it takes a giant step forward. I urge the members of the House of Representatives to look into the eyes and minds of our children when debating this bill. Their education will play a vital role in their future and the future of this country. Please vote yes for them, and for us.

Sincerely,

CAROL CLESCERI,
Local Education Advocate, Prominent Member, Education Advisory Committee.

JULY 17, 2013.

Hon. MATT SALMON,
Rayburn HOB,
Washington, DC.

DEAR REPRESENTATIVE SALMON: Most agree that the federally mandated ''No Child Left Behind'' hasn't improved academic performance. When you value teacher tenure and credentials over a teacher's success in stimulating students to compete and achieve to their highest potential, why wonder that NCLB has not produced better student outcomes? When the federal government imposes rules and regulations on schools, micro-manages teacher evaluations, grants little flexibility but requires lots of additional paperwork, the result is limited success.

Our federal government plays a valuable role in the success of America's students. It shines when it declares its great expectations, and then supports, funds, and encourages the states, local school districts, parents, and students to succeed. It falls flat when it controls, burdens, and restricts those who are capable of managing their own success.

I have reviewed the Student Success Act. It goes far beyond simply ''taking the federal handcuffs off'' local districts, teachers, and parents. Throughout the Act, you see it respecting the most effective role of federal government, which is a critical support system. The Act ''returns authority'' for setting standards and measuring student performance to states and local officials. It honors the authority of states and school districts to develop teacher evaluation systems. It eliminates duplicative programs, streamlining them to Local Academic Flexible Grants, which will allow superintendents, school leaders, and local officials to make funding decisions based on what they, and they alone, know will help improve student learning.

In every category the bill emphasizes support, not control. Don't good teachers need support and resources? Aren't they already motivated to inspire learning? Shouldn't the federal government provide grant programs that support evidence-based initiatives to recruit, hire, train, compensate, and retain the most effective teachers? Shouldn't the federal government provide information that is helpful to education reformers who want to improve troubled schools?

This bill maintains critical funding streams for vulnerable populations, but it also strengthens existing programs to improve student achievement. More importantly, it provides states and districts the flexibility to use funds across programs to better support their students' needs.

I have been concerned that the federal government is inappropriately usurping the authority of the states, local school districts, and even parents in the education of our nation's children. I am especially glad to see that this bill restores and protects state and local autonomy over public education. What this bill does is engage parents in their child's education. It provides parents more education choices for their children. The federal government should not mandate or control our children's education. Rather, it should support and encourage parents to help their children, so they can identify the best options for their children.

Thank you for the opportunity to express my views.

ANITA CHRISTY,
Editor and Publisher of Gilbert Watch.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentleman from Connecticut (Mr. COURTNEY), a member of the committee.

Mr. COURTNEY. Mr. Chairman, as the poison of sequestration is now seeping through America's economy, society, and national defense, there's a lot of folks in this city who are suddenly running around saying that they oppose sequestration. But I think if you look closely at this legislation, it bakes in sequestration funding levels for education—not just for next year, but for the next 6 years.

Mr. Chairman, I supported the defense authorization bill, along with the chairman of my committee, a few weeks ago, which actually used pre-sequestration levels for our national defense. Yet here today we are voting on a bill which tells America's children: sorry, you're stuck with sequestration. You have to allow, basically, this chain saw which is going through Federal programs to continue for the next 6 years at exactly the time when we should, as a national priority, be investing more in education.

We heard from the prior speaker about the need for STEM. Absolutely.

There is nothing in this bill that prioritizes or focuses on the need for this country to step up the STEM education curriculum in this country. This bill is the wrong direction for people who care about upgrading America's competitiveness.

Again, if you think about it, is China really going to sequester its education funding over the next 6 years? Are any of our other large economic competitors doing that? Of course not.

This bill is a retreat; it is a surrender to sequestration—not for ourselves, but for our children. It is shameful. I urge a ''no'' vote on H.R. 5.

Mr. KLINE. Mr. Chairman, I yield 1 minute to a member of the committee, the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Student Success Act.

As a father of three children, I know the importance of a good education that ensures students graduate high school prepared for post-secondary education and the workforce.

For years, States and school districts have been burdened by Federal overreach and red tape that has failed to improve the academic performance of our students. We can—and must—do better.

Our State and local leaders have the best understanding of their own school districts and student populations. So we must get Washington out of our students' classrooms and equip them with the tools necessary to put our students on a path toward academic excellence. H.R. 5 has got about four key principles to do just that: reducing the Federal footprint, empowering parents, supporting effective teachers, and restoring local control.

My colleagues and I share the belief that young people need to think big and dream bigger.

I urge my colleagues to support this bill.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentlewoman from Oregon (Ms. BONAMICI), a member of the committee.

Ms. BONAMICI. I thank the ranking member for yielding.

Mr. Chairman, I rise in opposition to H.R. 5.

It's clear that we need long-term thinking and real changes to improve the Elementary and Secondary Education Act and give our students the schools worthy of their potential.

H.R. 5 does some things right, but too many things wrong. It underfunds title 1, cutting funding to the schools most in need of our support. It allows students with disabilities to be taught at lower standards, letting those who need more attention fall through the cracks. It eliminates provisions that assist homeless students, puts too much emphasis on the failed strategy of basing teacher evaluations on student test scores, and, Mr. Chairman, it perpetuates inequality.

This bill is a missed opportunity. We could—and should—be working on legislation that includes more support for STEM education, a bill that has provisions to ensure that every student receives a well-rounded education that includes civics and arts and music. We should be focusing on the whole child, ensuring that every student is healthy, safe, engaged, supported, and challenged.

□ 1515

This bill doesn't address these important issues. I cannot support it, and I encourage my colleagues to oppose it as well.

Mr. KLINE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana, Dr. BUCSHON, a member of the committee.

Mr. BUCSHON. Mr. Chair, I rise today in support of H.R. 5, the Student Success Act, because our Nation's students deserve better in the classroom.

The one-size-fits-all approach and expanding Federal role in our current system is not effectively serving our students. The Student Success Act corrects this problem by allowing States the freedom and flexibility to provide a better education to all their students, an education that is tailored to their students' needs.

This bill reduces the Federal footprint in our schools and restores control to State and local communities where education decisions should be made. We ensure that parents and schoolteachers are able to make decisions about what is best for their students.

Mr. Chair, as the father of four, it is very important to me that we provide the best educational opportunities for all children, regardless of where they live or their socioeconomic status. The Student Success Act accomplishes this goal.

Mr. GEORGE MILLER of California. Mr. Chair, I yield 1 minute to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Chair, I rise in strong opposition to this bill.

America's young people must be given every opportunity to obtain a world-class education in the best possible environment. The future of our country and our ability to compete in the global economy greatly depends on the education of our children.

Unfortunately, H.R. 5, the Letting Students Down Act, would cut education funding by over $1 billion next year and fail to support greater achievement of low-income students, students of color, students with disabilities, and English language learners. The bill also eliminates funding for critical afterschool programs, which work to improve learning opportunities for students outside the classroom by cultivating strong community partnerships.

It is a tremendous failure of the House Republican leadership that we are voting on a bill today that fails students in so many ways and would do so much harm to public education in this country.

Rather than putting forth this extreme proposal destined to fail in the Senate, we should be working together to ensure that a reauthorized Elementary and Secondary Education Act improves student achievement, supports teachers and principals, and provides a quality education for all students. This bill does not do that, and I urge my colleagues to vote ''no.''

Mr. KLINE. Mr. Chairman, I yield 1½ minutes to the gentleman from Nevada, Dr. HECK, a member of the committee.

Mr. HECK of Nevada. Mr. Chairman, I rise today in strong support of H.R. 5, the Student Success Act, because it will improve education in America and help our students succeed.

My district in southern Nevada is home to, and my three children are products of, the Clark County School District, the fifth largest district in the Nation. While there are many stories of remarkable achievements coming out of these schools, I hear all the time from administrators, teachers, and parents that Federal requirements are getting in the way of them doing what is best for their students.

While only a very small portion of a school district's budget comes from Washington, districts do not have the ability to shift the funds to where they are needed most, and they are forced to use scarce resources to check the Federal boxes to receive those funds. This one-size-fits-all approach to education is Washington bureaucracy at its worst and does not take into account the specific conditions in our local classrooms.

It strikes me as arrogant to imply, as my colleagues on the other side do, that only the Federal Government cares about student success. No one understands the conditions or has more of an interest in improving education of our children than the people who work in our schools and interact with students every day.

It is time we turn control over education policy to those who are invested in the success of our students. The Student Success Act will do just that.

I applaud Chairman KLINE and the members of the committee for their work on this bill and urge a ''yes'' vote.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Mr. Chair, I rise in strong opposition to H.R. 5.

My colleague from Nevada must be talking to different teachers and parents than I am. This bill would hurt students and teachers and undermine the longstanding Federal mandate to guarantee educational opportunity for all students.

I am particularly concerned about the impact this bill would have on English language learners, especially at a time when Nevada schools have seen a significant increase in ELL students. These students enrich our

schools with new cultural perspectives, but they need resources and quality instruction to help them succeed academically. H.R. 5 would reduce such resources just when schools and students need them most.

This bill would also be devastating for students in special ed. Most students with learning disabilities can meet high standards if they are given the appropriate tools. H.R. 5, however, denies them the chance to learn and thrive.

Education is the best investment we can make for the future of our Nation, yet H.R. 5 starves our schools, reduces standards, and diminishes our national commitment to equal access to learning.

Let's call it what it is, the Letting Our Students Down Act, and let's vote it down.

Mr. KLINE. Mr. Chairman, may I inquire as to how much time is remaining on each side?

The CHAIR. The gentleman from Minnesota has 9½ minutes remaining. The gentleman from California has 13 minutes remaining.

Mr. KLINE. Thank you, Mr. Chairman.

I would now like to yield 2 minutes to the gentleman from Indiana (Mr. MESSER), a member of the committee.

Mr. MESSER. Mr. Chairman, I rise in support of the Student Success Act and want to commend Chairman KLINE and my Hoosier colleague, Mr. ROKITA, for their good work on this important bill.

Few laws have been used as a political punching bag by Members of both sides of the aisle quite as much as the No Child Left Behind law. Much of that criticism is deserved.

The Student Success Act moves us past No Child Left Behind, improves on this law's important progress, and provides relief from the law's most onerous and harmful mandates. It restores local control of our public schools, empowers teachers, parents, and students, and gets Washington out of the way. This bill eliminates 70 duplicative programs and prohibits the DOE from implementing a national common core curriculum. Most importantly, it puts parents and students first.

As a longtime proponent of school choice, I am pleased this bill expands charter school opportunities. We hear a lot of excuses about why students shouldn't have more educational choices, but the truth is that no child should be forced to attend a school where they have no chance to succeed.

The Student Success Act recognizes the truth that, when parents have a choice, kids have an opportunity. More can and should be done, but this bill eliminates the worst of No Child Left Behind. It restores local control of our public schools, and it empowers teachers and parents. It deserves our support.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. HECK).

Mr. HECK of Washington. Mr. Chairman, H.R. 5 continues the sequestration cuts to Impact Aid. If you represent a military installation, you know what that is, because that's where Impact Aid goes.

I have the honor to represent Joint Base Lewis-McChord, the third largest military installation in all of America. This measure is not good for the children of the men and women who serve us there or any other military base around America. We owe them more.

But my bigger reason for opposing this springs from my perspective as a businessman. If I learned anything in the private sector, including serving on the board of a learning and training company, it is this: to compete in a 21st century economy, you simply have to build a 21st century education system. H.R. 5 does not do that. H.R. 5 does the opposite of that.

If you want, as I do, to grow this economy faster and create jobs, good-paying jobs, you are going to vote ''no'' on this measure.

Mr. KLINE. Mr. Chairman, in an effort to balance the time here, I will reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Thank you, Mr. Chairman, and thank you to the ranking member for his leadership on this issue.

Mr. Chair, this legislation is an attack on teachers and takes away the tools they need to succeed in the classroom. I am exhausted by the continual scapegoating of America's schoolteachers.

Teachers, like my three sisters, spend countless hours both in and out of the classroom, preparing curricula, and mentoring our youth in afterschool programs. We should help every educator grow and develop professionally and not standardize and reduce their performance to a one-size-fits-all approach.

I am weary of elected officials who give lip service to the importance of good teachers. Mr. Chairman, actions speak louder than words.

I urge my colleagues to vote ''no'' on this bill. The House majority continues to attack teachers' rights to bargain with their local community on conditions that are best for their local community, and I stand in strong opposition to this bad bill.

Mr. KLINE. Mr. Chairman, I would now like to yield 1 minute to the gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. I thank the chairman.

Mr. Chair, the 10th Amendment of the Constitution vests the responsibility of free public education with the States; but recently, the administration and the Federal Government have been running headlong into establishing Federal standards through a common core set of principles at State levels.

H.R. 5 is an important step in reaffirming the fact that it is the States' rights and States' responsibility to determine what those students should learn within their States and, more importantly, reasserts the fact that locally elected school boards should be the sole determinants of what students should be taught and learn at local school districts.

As a former school board member myself, I know the importance of local control. H.R. 5 reestablishes that and makes certain that the Secretary of Education does not have the power to force in a dictatorial way local States to adopt common core principles.

For so many reasons, this bill should be passed, and I urge a ''yes'' vote.

Mr. GEORGE MILLER of California. Mr. Chair, I yield myself 1½ minutes.

Many of my colleagues have expressed concern over the fact that H.R. 5 takes the level of funding to the sequestration level. I think we ought to understand what this means in terms of ongoing improvement in the education program and the educational opportunity for those young people who are poor minorities and who go to some of the poorest schools in some of the poorest districts in our country. This is going to really grind down their ability to be able to respond, those schools, those districts, those teachers, those administrators, to the needs of those young people.

What it means is they will not have access to the kinds of support services that are necessary so that they will truly have an opportunity, have a full educational opportunity. We know that in many instances, in many of these schools, these students and these teachers require additional resources, require additional support systems for these students.

We know that when they are given those support systems, when they are given those resources, these very same children are able to thrive. We see that demonstrated all across this country all of the time.

I represent some of the most difficult schools in the State of California in the most difficult areas in the State of California, where children navigate very dangerous streets to get to school and to come back, yet we see students who were given that opportunity to have a first-class education are now attending Brown University and the University of Nebraska and UCLA and other such institutions.

The fact is these children can learn. The question is whether we will supply them with the resources so they can have the opportunity to do so.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I now yield 2 minutes to the gentlelady from Alabama (Mrs. ROBY), a member of the committee.

Mrs. ROBY. Mr. Chair, I rise today in support of H.R. 5, the Student Success Act.

I thank my chairman for yielding. It is a privilege to serve on this committee and be a part of this debate on the floor today.

We need excellent teachers in every classroom and inspired administrators in every school, but even the most gifted educators can be hamstrung by overreaching mandates, regulations, and red tape.

□ 1530

Over the last several years, Federal mandates in education have grown at an alarming rate. Politicians and bureaucrats keep trying to fix our schools with a ''Washington knows best'' approach, but ask any teacher or principal or parent, and he'll let you know that one size does not fit all when it comes to education.

That's why I am pleased that the Student Success Act reduces the Federal footprint in education, returning the decisionmaking authority to States and local districts where it belongs, and this bill expressly prohibits the Department of Education from making funding grants and regulation waivers contingent on whether a State adopts certain curriculum or assessment standards.

I believe we should have the highest standards for our schools. As a mother of a child in public school, I am glad my State of Alabama has made recent efforts to increase its standards, but the problem is that the Obama administration has improperly inserted itself into the process. We need to empower all States to set their own education policies free from Federal intrusion. Collaboration between States in setting and revising standards can be a good thing. However, the unwelcome intrusion of the Federal Government into the process invariably comes with the political agenda of the White House. The executive branch has exceeded its appropriate reach where State education policy is concerned, and it is absolutely time that we rein it in.

I am proud to support H.R. 5, and I encourage my colleagues on both sides of the aisle to support this legislation that finally puts State and local leaders back in control of their classrooms.

Mr. GEORGE MILLER of California. I have no further requests for time, and I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I now yield 1½ minutes to the gentleman from Kansas (Mr. YODER).

Mr. YODER. Thank you, Mr. Chairman.

Like many of my colleagues here today, I think the future of our Nation lies in the quality of education that our young Americans receive. Americans expect and deserve the very best from our public schools and from our schools all across the Nation so that their children have the tools to handle the challenges of the 21st century.

For far too long in this country, we've tried a one-size-fits-all, top down, Federal approach to educating our bright learners. Yet intuition tells us and experience shows us that local communities are better suited to make the right decisions when it comes to local public schools.

That's why I am proud to support the Student Success Act—to return and restore local control back to our public schools. I know that teachers, parents, neighbors, and families are better suited to make decisions regarding their children's educations than bureaucrats and government officials in Washington, D.C.

Mr. Chairman, let's put our communities back in charge of our future. Let's eliminate the top-down mandates, the strings-attached approach that Washington uses to educate our kids, and let's put teachers back in charge of the classroom and put our families and neighborhoods back in charge of our schools.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

This is a fundamental debate that we will be having now as we enter the amendment process for this legislation. This is really a debate about whether we go backwards or forwards as a Nation. Every Member of this Congress—I believe I would be correct in saying—both in the House and the Senate—has told their constituents how important it is that we have a world-class education system and how we are falling behind other nations. Yet we see here the consideration of legislation by this Chamber that, in fact, moves us to the past.

It restricts the resources that are available. It reduces the accountability in the system. It fails to support teachers and principals—those people who almost every speaker today has said are the most important people in our education system. While it provides for teacher evaluation, which I support, it really only provides it for the purposes of hiring and firing a teacher, not to provide the kind of support and not to provide the kind of collaboration that teachers—young teachers and new teachers to the system—bring with them in wanting to have that experience so they can improve their profession, the kinds of opportunities that teachers want, and the reason teachers are organizing independently among themselves, both on the Internet and in localities, so that they can share their skills and their talents to improve their abilities to deliver the education. That support is not here.

You can say, Well, it's block-granted, and they can do it if they want.

Not under sequestration.

They'll be lucky if they can provide survival for the students whom this legislation is directed at, which are the poorest children in this country—minority children, English learners, children on Indian reservations, children who need special attention to succeed. If they get it, they can succeed, but this legislation doesn't do that. This legislation doesn't address the priority that, again, every Member in this body has spoken about. As for the priority that needs to be put on STEM, you can do it if you want to do it.

I've listened for so many years—people say, within the Federal Government, it's only 5 percent of the money or it's only 6 percent of the money—and it's always so burdensome. Well then, don't take it. I know the manager's amendment says that, but that's the law today. You sign up for this. And if everything else is going so well, how does this 5 percent of the money have such bad results in the districts? Because the fact of the matter is, we know, for whatever reason, many, many school districts and many schools are failing the students that they're supposed to be teaching.

This is an effort to try to assist them. This is an effort to try to give them the flexibility so that they can make these decisions, but if you send it in the form of H.R. 5, they're not going to have the support to do it; they're not going to have the resources to do it; they're not going to have the trained teachers to do it; they're not going to have the trained principals to do it—and that's what we should not be doing. We should, in fact, be emboldening our schools with those resources, with those talents and with those skills. We should make sure that every teacher has the capability, has the subject matter competency.

In a poor school today, you're learning arithmetic in the fourth grade, you're learning mathematics in the eighth grade, you're learning algebra—your chances of having a teacher who understands those subjects and who has taken courses in those subjects is one in seven. Shouldn't it be, for those children, one in one? Shouldn't it be that every classroom has a teacher who has subject matter competency? But we all know in our districts that that's not what happens in many of these schools. We know that, in fact, an art teacher is asked to go into a mathematics class. We know that a part-time history teacher is asked, Can you help us out in the science class?

That's not how you maintain this country's being number one in the Nation. That's not the education system that will do it. We can poke along, and we can lament, and we can worry about China and India and about countries that are making a commitment to their education systems and to their research facilities, but unless we make that commitment, we won't be running that race in the next generation. We will have settled in to some other place than number one, and I don't think that's acceptable to the people of this country.

We have been told by all business leaders who come here—whether they come from Silicon Valley or they come from the manufacturing areas of the country in the Midwest—that they want a stronger K through 12 system. That's why the Chamber of Commerce and the Business Roundtable have serious problems and are in opposition to H.R. 5, because it doesn't meet their needs that they say that they need in terms of a future educated population in order to get those skilled workers, to get that talent base, to get that future innovation. That's their decision,

not my decision. That's also the decision of the civil rights groups. That's also the decision of the parents with children with disabilities and of the disabilities community. That's also the decision of the educators in these systems.

This legislation is not up to the standards of America. It doesn't meet America's future needs. It doesn't meet the standards of excellence, and it doesn't meet the commitment of resources that this Nation should be making on behalf of the schoolchildren in this Nation and of future generations.

I yield back the balance of my time.

Mr. KLINE. I yield myself the remainder of my time.

Mr. Chairman, it has been 12 years since anybody in either body—House or Senate—has had a chance to come to the floor in either Chamber and vote on education policy. The Elementary and Secondary Education Act has been overdue for reauthorization since 2007. When our colleagues on the other side of the aisle were in the majority or since we've been in the majority, neither party has been able to bring legislation to the floor in either body. Our children deserve better.

We've been in a situation for years now in which the Congress of the United States—House and Senate—has abdicated completely to this administration its responsibility for establishing public policy. This administration has been issuing conditional, temporary waivers to suit its idea of what education policy ought to be, not what the legislative body and not what the people we represent say it ought to be.

Our children deserve real reform of the Nation's education system. We can't allow these conditional waivers or temporary fixes or political infighting and an impasse here—whether the Democrats or the Republicans are in charge—to keep us from our fundamental responsibility to improve what is now, I believe, universally recognized to be a flawed law.

By passing the Student Success Act today, we can help ensure that teachers, principals, superintendents, and State and local officials have more opportunities to build a more responsive and effective education system that better meets the unique needs of every student and, in fact, yes, of businesses. A vote for this bill demonstrates our heartfelt commitment to reform, proving to families nationwide, Mr. Chairman, that the House of Representatives will not stand by and allow the administration to micromanage our classrooms or to defend the failed status quo.

I urge my colleagues to vote ''yes'' on H.R. 5, and I yield back the balance of my time.

Ms. FUDGE. Mr. Chair, I rise today in opposition to H.R. 5, the Letting Students Down Act. This legislation fails our students, teachers, and families. It is a step back for our country's education system at a time when we should be running forward.

I have many concerns with H.R. 5.

The bill turns Title 1 funding into a block grant program. This change will disproportionally harm many disadvantaged low-income students. Schools across the country, including some in my Congressional district, rely on these funds to help ensure that all children meet state academic standards.

In addition to block granting Title 1 funds, H.R. 5 weakens current accountability measures for students, teachers, and schools.

The Republican bill does not require states to set high standards to graduate students college and career-ready. It also does not require low-performing schools to work towards improvement; instead, it eliminates all current school improvement requirements.

Every student in America has a constitutional right to a high quality education. It is the job of this Congress to secure that right without delay.

The bill before us falls short in providing the quality education that our students deserve, and I refuse to take part in supporting legislation that fails our students and their families. I oppose H.R. 5 and encourage my colleagues to do the same.

Mr. CONNOLLY. Mr. Chair, I represent Virginia's two largest school districts, which have a combined enrollment of more than 265,000 students. As a parent and former member of the Fairfax County Board of Supervisors, I know the success of our community and others across America is directly related to the quality of our local schools. Fortunately, we have strong local support for our schools, particularly within the business community, which recognizes the value of investing in our young people and future workforce. As a result, our community has the nation's premier high school for science and technology and strong academic achievement across all student groups. That has attracted families and employers to our region, which now is home to Virginia's largest public university and 10 Fortune 500 companies.

The long-overdue reauthorization of ESEA presents us with a tremendous opportunity to improve learning conditions for students and teachers. Sadly, the Republican bill before the House today retreats on that promise and, contrary to its title, will not provide the necessary tools for all students to succeed. H.R. 5 cuts federal education support by $1 billion next year and locks in the reduced levels of funding under sequestration for the foreseeable future. It also changes how those dollars are allocated, diluting services for low-income students and English language learners. That represents a disinvestment in our classrooms, and it will put our children—and our nation—at a competitive disadvantage. The U.S. Chamber of Commerce specifically cites the lack of rigorous college- and career-ready standards in opposing the Republican majority's bill. Fairfax County Public Schools Superintendent Karen Garza also expressed concern about the reduced level of funding in this bill, and I am including a copy of that letter.

I also am troubled by the changes being made in the standards for children with disabilities. For all of its flaws, one of the positive outcomes of No Child Left Behind was the fact that it held school districts accountable for the progress of every child, which provided students with disabilities the opportunity to learn—and in many cases master—grade level content and advance alongside their peers. The Republican bill will cast that success aside and allow states to teach and assess students with disabilities under an alternate, less-challenging set of standards. That is unacceptable, and it is one of the reasons why organizations such as the National Disability Rights Network oppose this bill.

Further, the Republican bill does not adequately address two other important programs that support students in our community. First, H.R. 5 eliminates the dedicated funding for before- and after-school programs that have a proven record for providing academic and social support, particularly for at-risk students, and for improving classroom achievement. For example, when I was Chairman of the Fairfax County Board of Supervisors, we received a federal 21st Century Community Learning Center grant. At the time, we were concerned with the growing rate of gang participation and gang-related crime being committed by young people. We used that federal grant to help expand our after-school programs from just 3 middle schools to all 26. Community and business partners also came forward to provide summer-school scholarships and mentoring support. As a result, gang participation dropped by half. Unlike H.R. 5, the Democratic substitute offered by Ranking Member Miller would create a separate dedicated funding stream to support before- and after-school programs so that we are offering positive enrichment opportunities for young people.

H.R. 5 also reduces funding for homeless students despite the fact that we've seen a 57% increase in the nation's homeless student population in the past four years as a result of the Great Recession. Even in my district, which is ranked as one of the wealthiest in the nation, we have nearly 2,500 homeless students in our classrooms. That is a 40% increase compared to five years ago. We must do more, not less, to support these young people who should not have to worry about where their next meal will come from or where they will sleep tonight while they try to navigate the social and academic challenges of a typical school day. The Democratic substitute will ensure more students suffering homelessness will receive the vital support they need to have some sense of stability in their lives.

Mr. Chair, the education of our children should not be driven by partisan ideology, yet that is what House Republicans have brought before us today. Their so-called reforms will, in fact, leave children behind. If we are to fulfill the promise of having a world-class education system, then we need to provide adequate support and funding for our schools, teachers, and students. I urge my colleagues to oppose H.R. 5 and to support the Democratic substitute so we can do just that.

LETTER FROM FCPS SUPERINTENDENT GARZA

HONORABLE GERRY E. CONNOLLY: We wish to share our comments and concerns regarding the Student Success ACT (H.R. 5), a proposed reauthorization of the Elementary and Secondary Education Act (ESEA), which may be on the House floor later today.

The Fairfax County School Board strongly supports the ideals embodied by ESEA, namely that every child is capable of learning and that every school and school division must be held accountable for educating every student to his or her potential, but has been deeply concerned about the intrusive administrative and fiscal burdens placed on local school divisions by ESEA in its current form. In terms of the entirety of H.R. 5, Fairfax County Public Schools (FCPS) agrees

with the position taken by the National School Boards Association (NSBA); which supports the long overdue reauthorization included in H.R. 5 in concept, but which urges some significant changes (such as the reinstatement of state Maintenance of Effort (MOE) provisions as well as removal of authorizing funding caps which would hold appropriations to current sequestration levels and then freeze them for five years) prior to its eventual passage. We would also concur with NSBA in opposing any amendments proposing to add private school vouchers or Title I ''portability'' to the legislation.

We specifically want to draw your attention to one possible amendment to H.R. 5 which could have a very significant impact on FCPS. It is our understanding that Congressman Glenn Thompson (R–PA) plans to introduce language similar to his All Children Are Equal Act (ACE Act, H.R. 2658), which if adopted would have a significant negative impact on FCPS Title I funding (a projected loss of $5.4M in Title I funding over four years, see chart below) and on Fairfax students who are living in poverty. We would urge you to reject that amendment.

Title I is intended ''to ensure that all children have a fair, equal, and significant opportunity to obtain a high quality education.'' Students living in poverty and schools with high poverty rates have educational needs that require additional resources from Title I funding to ''level the playing field'' regardless of their location. Some states are divided into many small school districts, some of which have only one secondary school and very few elementary schools. Other states have designated school districts in alignment with very large geographic counties, where districts may include hundreds of schools. Large school districts may include urban, suburban and rural-like components all within the boundaries of one large division. Children and schools located within ''pockets'' of poverty in a large district have the same educational resource needs as those in smaller school districts with fewer students. The diverse settings of schools with high poverty rates from state to state require diversity within Title I funding formulas so that schools from both small and large districts can receive resources to support needy students.

The particular amendment the House may consider seeks to phase in a shift in the funding distribution formula for Title I from calculations that are currently based on both absolute numbers of students in poverty as well as on percentages of students in poverty, to one reliant only on percentages. Given Fairfax's size (with over 180,000 students); FCPS has a relatively low overall poverty rate but a very significant number of students in poverty. As of 2011, there were an estimated 15,915 children between the ages of 5 and 18 living at or below the poverty rate in Fairfax County. That number exceeds the total student population in all but 15 jurisdictions in Virginia (there are 133 total school divisions in Virginia). While Fairfax's overall percentage of free lunch eligible students was just over 20% in the 2011–2012 school year, 22 Fairfax schools had a free lunch population of greater than 50% (with the highest schools having over 74% eligible students). In total, over 46,000 Fairfax students are eligible for the free and reduced lunch program, which has an eligibility threshold of up to 185% of the poverty rate.

For small school districts, the percentage system can be advantageous, as they may not have large absolute numbers of students. For larger school districts with ''pockets'' of poverty, the absolute number system may level the playing field so that schools with high poverty rates may receive appropriate resources, even though the overall poverty rate of the entire division may not be as high as a smaller division with fewer schools.

If only the *percentage* system were used, as would be proposed by Rep. Thompson's amendment, students in high poverty schools in larger school districts would lose Title I funding support. Students in poverty are not able to choose whether they live in a small or large school district, nor can they determine the percentage of poverty in the school district in which they live. Nonetheless, regardless of where they live, their needs are similar and they deserve equivalent access to Title I resources.

The current system, which includes the options of both the *percentage* and *absolute number* calculations, provides a balanced approach for both small and large districts, and thus provides necessary Title I resources for students in high poverty schools, no matter where they live. For these reasons, the current two alternative weighting systems, *percentage* and *absolute number*, should be continued in calculating Title I funding allocations, so that students in high poverty schools can equitably receive Title I resources whether they live in a small or large district.

FCPS would strongly support additional overall funding for the Title I program should that be part of the discussion, but again urges you to reject Rep. Thompson's Title I formula amendment if it is introduced. If you have questions or concerns, please feel free to contact Michael Molloy, Director of Government Relations, Fairfax County Public Schools at *MAMolloy@fcps.edu* or 571-423-1240. Thank you for your consideration and your support of the Fairfax County Public Schools and public K–12 education.

KAREN K. GARZA, PH.D.,
Division Superintendent, Fairfax County Public Schools.

Ms. FUDGE. Mr. Speaker, at a time when one-third of our nation's children are overweight or obese, educating them in physical competence, health-related fitness and healthy behaviors is critical to their development and long-term success as productive citizens.

Unfortunately, my Republican Colleagues fail to address this need in H.R.

Quality physical education and health education programs are essential components of a comprehensive K–12 curriculum. Recent studies, such as the Health in Mind report released by the Healthy Schools Campaign, show that health and fitness are linked to improved academic performance, cognitive ability, and behavior, as well as, reduced truancy.

Physical education increases physical competence, health-related fitness, social responsibility and enjoyment of physical activity. Quality health education is also essential to supporting the formation of health-literate and health-conscious adults, and the development of life-long healthy habits that can help reduce the enormous burden of health care costs to this nation.

The lack of physically fit and health-literate graduates has become a national security issue—being overweight or obese has become the leading medical reason why applicants fail to qualify for military service. The Institute of Medicine recognizes the important role physical education plays in combating childhood obesity, and that is why it recently recommended that physical education be included as a core subject in schools.

Unfortunately, many schools today do not provide adequate physical education or health education as recommended by health-related national organizations and the Centers for Disease Control and Prevention. Subjects that are not considered ''core'' under the current education law are frequently marginalized and too often eliminated due to a lack of funding or administrative priority.

Given the obesity epidemic in our country, it is unfortunate that my Republican colleagues did not include health education and physical education as core subjects in their bill. It is my sincere hope that as the bill moves forward in the Senate these subjects will be included and this issue will be rectified.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–18. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Student Success Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. 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. 4. TRANSITION.

Unless otherwise provided in this Act, any person or agency that was awarded a grant under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) prior to the date of the enactment of this Act shall continue to receive funds in accordance with the terms of such award, except that funds for such award may not continue more than one year after the date of the enactment of this Act.

SEC. 5. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act, and the amendments made by this Act, shall be effective upon the date of enactment of this Act.

(b) NONCOMPETITIVE PROGRAMS.—With respect to noncompetitive programs under which any funds are allotted by the Secretary of Education to recipients on the basis of a formula, this Act, and the amendments made by this Act, shall take effect on October 1, 2013.

(c) COMPETITIVE PROGRAMS.—With respect to programs that are conducted by the Secretary on a competitive basis, this Act, and the amendments made by this Act, shall take effect with respect to appropriations for use under those programs for fiscal year 2014.

(d) IMPACT AID.—With respect to title IV of the Act (20 U.S.C. 7701 et seq.) (Impact Aid), this Act, and the amendments made by this Act, shall take effect with respect to appropriations for use under that title for fiscal year 2014.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

The Act (20 U.S.C. 6301 et seq.) is amended by inserting after section 2 the following:

''SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.

''(a) TITLE I.—

''(1) PART A.—There are authorized to be appropriated to carry out part A of title I $16,651,767,000 for each of fiscal years 2014 through 2019.

''(2) PART B.—There are authorized to be appropriated to carry out part B of title I $3,028,000 for each of fiscal years 2014 through 2019.

''(b) TITLE II.—There are authorized to be appropriated to carry out title II $2,441,549,000 for each of fiscal years 2014 through 2019.

''(c) TITLE III.—

''(1) PART A.—

''(A) SUBPART 1.—There are authorized to be appropriated to carry out subpart 1 of part A of title III $300,000,000 for each of fiscal years 2014 through 2019.

''(B) SUBPART 2.—There are authorized to be appropriated to carry out subpart 2 of part A of title III $91,647,000 for each of fiscal years 2014 through 2019.

''(C) SUBPART 3.—There are authorized to be appropriated to carry out subpart 3 of part A of title III $25,000,000 for each of fiscal years 2014 through 2019.

''(2) PART B.—There are authorized to be appropriated to carry out part B of title III $2,055,709,000 for each of fiscal years 2014 through 2019.

''(d) TITLE IV.—

''(1) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of making payments under section 4002, there are authorized to be appropriated $63,445,000 for each of fiscal years 2014 through 2019.

''(2) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the purpose of making payments under section 4003(b), there are authorized to be appropriated $1,093,203,000 for each of fiscal years 2014 through 2019.

''(3) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 4003(d), there are authorized to be appropriated $45,881,000 for each of fiscal years 2014 through 2019.

''(4) CONSTRUCTION.—For the purpose of carrying out section 4007, there are authorized to be appropriated $16,529,000 for each of fiscal years 2014 through 2019.

''(5) FACILITIES MAINTENANCE.—For the purpose of carrying out section 4008, there are authorized to be appropriated $4,591,000 for each of fiscal years 2014 through 2019.''.

TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES

Subtitle A—In General

SEC. 101. TITLE HEADING.

The title heading for title I (20 U.S.C. 6301 et seq.) is amended to read as follows:

''TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES''.

SEC. 102. STATEMENT OF 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 provide all children the opportunity to graduate high school prepared for postsecondary education or the workforce. This purpose can be accomplished by—

''(1) meeting the educational needs of low-achieving children in our Nation's highest-poverty schools, English learners, migratory children, children with disabilities, Indian children, and neglected or delinquent children;

''(2) closing the achievement gap between high- and low-performing children, especially the achievement gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers;

''(3) affording parents substantial and meaningful opportunities to participate in the education of their children; and

''(4) challenging States and local educational agencies to embrace meaningful, evidence-based education reform, while encouraging state and local innovation.''.

SEC. 103. FLEXIBILITY TO USE FEDERAL FUNDS.

Section 1002 (20 U.S.C. 6302) is amended to read as follows:

''SEC. 1002. FLEXIBILITY TO USE FEDERAL FUNDS.

''(a) ALTERNATIVE USES OF FEDERAL FUNDS FOR STATE EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—Subject to subsections (c) and (d) and notwithstanding any other provision of law, a State educational agency may use the applicable funding that the agency receives for a fiscal year to carry out any State activity authorized or required under one or more of the following provisions:

''(A) Section 1003.

''(B) Section 1004.

''(C) Subpart 2 of part A of title I.

''(D) Subpart 3 of part A of title I.

''(E) Subpart 4 of part A of title I.

''(F) Chapter B of subpart 6 of part A of title I.

''(2) NOTIFICATION.—Not later than June 1 of each year, a State educational agency shall notify the Secretary of the State educational agency's intention to use the applicable funding for any of the alternative uses under paragraph (1).

''(3) APPLICABLE FUNDING DEFINED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in this subsection, the term 'applicable funding' means funds provided to carry out State activities under one or more of the following provisions.

''(i) Section 1003.

''(ii) Section 1004.

''(iii) Subpart 2 of part A of title I.

''(iv) Subpart 3 of part A of title I.

''(v) Subpart 4 of part A of title I.

''(B) LIMITATION.—In this subsection, the term 'applicable funding' does not include funds provided under any of the provisions listed in subparagraph (A) that State educational agencies are required by this Act—

''(i) to reserve, allocate, or spend for required activities;

''(ii) to allocate, allot, or award to local educational agencies or other entities eligible to receive such funds; or

''(iii) to use for technical assistance or monitoring.

''(4) DISBURSEMENT.—The Secretary shall disburse the applicable funding to State educational agencies for alternative uses under paragraph (1) for a fiscal year at the same time as the Secretary disburses the applicable funding to State educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

''(b) ALTERNATIVE USES OF FEDERAL FUNDS FOR LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—Subject to subsections (c) and (d) and notwithstanding any other provision of law, a local educational agency may use the applicable funding that the agency receives for a fiscal year to carry out any local activity authorized or required under one or more of the following provisions:

''(A) Section 1003.

''(B) Subpart 1 of part A of title I.

''(C) Subpart 2 of part A of title I.
''(D) Subpart 3 of part A of title I.
''(E) Subpart 4 of part A of title I.
''(F) Subpart 6 of part A of title I.
''(2) NOTIFICATION.—A local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding for any of the alternative uses under paragraph (1) by a date that is established by the State educational agency for the notification.
''(3) APPLICABLE FUNDING DEFINED.—
''(A) IN GENERAL.—Except as provided in subparagraph (B), in this subsection, the term 'applicable funding' means funds provided to carry out local activities under one or more of the following provisions:
''(i) Subpart 2 of part A of title I.
''(ii) Subpart 3 of part A of title I.
''(iii) Subpart 4 of part A of title I.
''(iv) Chapter A of subpart 6 of part A of title I.
''(B) LIMITATION.—In this subsection, the term 'applicable funding' does not include funds provided under any of the provisions listed in subparagraph (A) that local educational agencies are required by this Act—
''(i) to reserve, allocate, or spend for required activities;
''(ii) to allocate, allot, or award to entities eligible to receive such funds; or
''(iii) to use for technical assistance or monitoring.
''(4) DISBURSEMENT.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under paragraph (1) for the fiscal year at the same time as the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.
''(c) RULE FOR ADMINISTRATIVE COSTS.—A State educational agency or a local educational agency shall only use applicable funding (as defined in subsection (a)(3) or (b)(3), respectively) for administrative costs incurred in carrying out a provision listed in subsection (a)(1) or (b)(1), respectively, to the extent that the agency, in the absence of this section, could have used funds for administrative costs with respect to a program listed in subsection (a)(3) or (b)(3), respectively.
''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to relieve a State educational agency or local educational agency of any requirements relating to—
''(1) use of Federal funds to supplement, not supplant, non-Federal funds;
''(2) comparability of services;
''(3) equitable participation of private school students and teachers;
''(4) applicable civil rights requirements;
''(5) section 1113; or
''(6) section 1111.''.

SEC. 104. SCHOOL IMPROVEMENT.

Section 1003 (20 U.S.C. 6303) is amended—
(1) in subsection (a)—
(A) by striking ''2 percent'' and inserting ''7 percent''; and
(B) by striking ''subpart 2 of part A'' and all that follows through ''sections 1116 and 1117,'' and inserting ''chapter B of subpart 1 of part A for each fiscal year to carry out subsection (b),'';
(2) in subsection (b)—
(A) in paragraph (1), by striking ''for schools identified for school improvement, corrective action, and restructuring, for activities under section 1116(b)'' and inserting ''to carry out the State's system of school improvement under section 1111(b)(3)(B)(iii)''; and
(B) in paragraph (2), by striking ''or educational service agencies'' and inserting '', educational service agencies, or non-profit or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement'';
(3) in subsection (c)—
(A) in paragraph (1), by inserting ''and'' at the end;
(B) in paragraph (2), by striking ''need for such funds; and'' and inserting ''commitment to using such funds to improve such schools.''; and
(C) by striking paragraph (3);
(4) in subsection (d)(1), by striking ''subpart 2 of part A;'' and inserting ''chapter B of subpart 1 of part A;'';
(5) in subsection (e)—
(A) by striking ''in any fiscal year'' and inserting ''in fiscal year 2015 and each subsequent fiscal year'';
(B) by striking ''subpart 2'' and inserting ''chapter B of subpart 1 of part A''; and
(C) by striking ''such subpart'' and inserting ''such chapter'';
(6) in subsection (f), by striking ''and the percentage of students from each school from families with incomes below the poverty line''; and
(7) by striking subsection (g).

SEC. 105. DIRECT STUDENT SERVICES.

The Act (20 U.S.C. 6301 et seq.) is amended by inserting after section 1003 the following:

''SEC. 1003A. DIRECT STUDENT SERVICES.

''(a) STATE RESERVATION.—Each State shall reserve 3 percent of the amount the State receives under chapter B of subpart 1 of part A for each fiscal year to carry out this section. Of such reserved funds, the State educational agency may use up to 1 percent to administer direct student services.
''(b) DIRECT STUDENT SERVICES.—From the amount available after the application of subsection (a), each State shall award grants in accordance with this section to local educational agencies to support direct student services.
''(c) AWARDS.—The State educational agency shall award grants to geographically diverse local educational agencies including suburban, rural, and urban local educational agencies. If there are not enough funds to award all applicants in a sufficient size and scope to run an effective direct student services program, the State shall prioritize awards to local educational agencies with the greatest number of low-performing schools.
''(d) LOCAL USE OF FUNDS.—A local educational agency receiving an award under this section—
''(1) shall use up to 1 percent of each award for outreach and communication to parents about their options and to register students for direct student services;
''(2) may use not more than 2 percent of each award for administrative costs related to direct student services; and
''(3) shall use the remainder of the award to pay the transportation required to provide public school choice or the hourly rate for high-quality academic tutoring services, as determined by a provider on the State-approved list required under subsection (f)(2).
''(e) APPLICATION.—A local educational agency desiring to receive an award under subsection (b) shall submit an application describing how the local educational agency will—
''(1) provide adequate outreach to ensure parents can exercise a meaningful choice of direct student services for their child's education;
''(2) ensure parents have adequate time and information to make a meaningful choice prior to enrolling their child in a direct student service;
''(3) ensure sufficient availability of seats in the public schools the local educational agency will make available for public school choice options;
''(4) determine the requirements or criteria for student eligibility for direct student services;
''(5) select a variety of providers of high-quality academic tutoring from the State-approved list required under subsection (f)(2) and ensure fair negotiations in selecting such providers of high-quality academic tutoring, including online, on campus, and other models of tutoring which provide meaningful choices to parents to find the best service for their child; and
''(6) develop an estimated per pupil expenditure available for eligible students to use toward high-quality academic tutoring which shall allow for an adequate level of services to increase academic achievement from a variety of high-quality academic tutoring providers.
''(f) PROVIDERS AND SCHOOLS.—The State—
''(1) shall ensure that each local educational agency receiving an award to provide public school choice can provide a sufficient number of options to provide a meaningful choice for parents;
''(2) shall compile a list of State-approved high-quality academic tutoring providers that includes online, on campus, and other models of tutoring; and
''(3) shall ensure that each local educational agency receiving an award will provide an adequate number of high-quality academic tutoring options to ensure parents have a meaningful choice of services.''.

SEC. 106. STATE ADMINISTRATION.

Section 1004 (20 U.S.C. 6304) is amended to read as follows:

''SEC. 1004. STATE ADMINISTRATION.

''(a) IN GENERAL.—Except as provided in subsection (b), to carry out administrative duties assigned under subparts 1, 2, and 3 of part A of this title, each State may reserve the greater of—
''(1) 1 percent of the amounts received under such subparts; or
''(2) $400,000 ($50,000 in the case of each outlying area).
''(b) EXCEPTION.—If the sum of the amounts reserved under subparts 1, 2, and 3 of part A of this title is equal to or greater than $14,000,000,000, then the reservation described in subsection (a)(1) shall not exceed 1 percent of the amount the State would receive if $14,000,000,000 were allocated among the States for subparts 1, 2, and 3 of part A of this title.''.

Subtitle B—Improving the Academic Achievement of the Disadvantaged

SEC. 111. PART A HEADINGS.

(a) PART HEADING.—The part heading for part A of title I (20 U.S.C. 6311 et seq.) is amended to read as follows:

''PART A—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED''.

(b) SUBPART 1 HEADING.—The Act is amended by striking the subpart heading for subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) and inserting the following:

''Subpart 1—Improving Basic Programs Operated by Local Educational Agencies

''CHAPTER A—BASIC PROGRAM REQUIREMENTS''.

(c) SUBPART 2 HEADING.—The Act is amended by striking the subpart heading for subpart 2 of part A of title I (20 U.S.C. 6331 et seq.) and inserting the following:

''CHAPTER B—ALLOCATIONS''.

SEC. 112. STATE PLANS.

Section 1111 (20 U.S.C. 6311) is amended to read as follows:

''SEC. 1111. STATE PLANS.

''(a) PLANS REQUIRED.—
''(1) IN GENERAL.—For any State desiring to receive a grant under this subpart, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, school leaders, public charter school representatives, specialized instructional support personnel, other appropriate school personnel, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the

Carl D. Perkins Career and Technical Education Act of 2006, the Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless Assistance Act.

''(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 5302.

''(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND STATE ACCOUNTABILITY.—

''(1) ACADEMIC STANDARDS.—

''(A) IN GENERAL.—Each State plan shall demonstrate that the State has adopted academic content standards and academic achievement standards aligned with such content standards that comply with the requirements of this paragraph.

''(B) SUBJECTS.—The State shall have such academic standards for mathematics, reading or language arts, and science, and may have such standards for any other subject determined by the State.

''(C) REQUIREMENTS.—The standards described in subparagraph (A) shall—

''(i) apply to all public schools and public school students in the State; and

''(ii) with respect to academic achievement standards, include the same knowledge, skills, and levels of achievement expected of all public school students in the State.

''(D) ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS.—Notwithstanding any other provision of this paragraph, a State may, through a documented and validated standards-setting process, adopt alternate academic achievement standards for students with the most significant cognitive disabilities, if—

''(i) the determination about whether the achievement of an individual student should be measured against such standards is made separately for each student; and

''(ii) such standards—

''(I) are aligned with the State academic standards required under subparagraph (A);

''(II) promote access to the general curriculum; and

''(III) reflect professional judgment as to the highest possible standards achievable by such students.

''(E) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—Each State plan shall describe how the State educational agency will establish English language proficiency standards that are—

''(i) derived from the four recognized domains of speaking, listening, reading, and writing; and

''(ii) aligned with the State's academic content standards in reading or language arts under subparagraph (A).

''(2) ACADEMIC ASSESSMENTS.—

''(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality student academic assessments in mathematics, reading or language arts, and science. At the State's discretion, the State plan may also demonstrate that the State has implemented such assessments in any other subject chosen by the State.

''(B) REQUIREMENTS.—Such assessments shall—

''(i) in the case of mathematics and reading or language arts, be used in determining the performance of each local educational agency and public school in the State in accordance with the State's accountability system under paragraph (3);

''(ii) be the same academic assessments used to measure the academic achievement of all public school students in the State;

''(iii) be aligned with the State's academic standards and provide coherent and timely information about student attainment of such standards;

''(iv) be used for purposes for which such assessments are valid and reliable, be of adequate technical quality for each purpose required under this Act, and be consistent with relevant, nationally recognized professional and technical standards;

''(v)(I) in the case of mathematics and reading or language arts, be administered in each of grades 3 through 8 and at least once in grades 9 through 12;

''(II) in the case of science, be administered not less than one time during—

''(aa) grades 3 through 5;

''(bb) grades 6 through 9; and

''(cc) grades 10 through 12; and

''(III) in the case of any other subject chosen by the State, be administered at the discretion of the State;

''(vi) measure individual student academic proficiency and growth;

''(vii) at the State's discretion—

''(I) be administered through a single annual summative assessment; or

''(II) be administered through multiple assessments during the course of the academic year that result in a single summative score that provides valid, reliable, and transparent information on student achievement;

''(viii) include measures that assess higher-order thinking skills and understanding;

''(ix) provide for—

''(I) the participation in such assessments of all students;

''(II) the reasonable adaptations and accommodations for students with disabilities necessary to measure the academic achievement of such students relative to the State's academic standards; and

''(III) the inclusion of English learners, who shall be assessed in a valid and reliable manner and provided reasonable accommodations, including, to the extent practicable, assessments in the language and form most likely to yield accurate and reliable information on what such students know and can do in academic content areas, until such students have achieved English language proficiency, as assessed by the State under subparagraph (D);

''(x) notwithstanding clause (ix)(III), provide for the assessment of reading or language arts in English for English learners who have attended school in the United States (not including Puerto Rico) for 3 or more consecutive school years, except that a local educational agency may, on a case-by-case basis, provide for the assessment of reading or language arts for each such student in a language other than English for a period not to exceed 2 additional consecutive years if the assessment would be more likely to yield accurate and reliable information on what such student knows and can do, provided that such student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what such student knows and can do on reading or language arts assessments written in English;

''(xi) produce individual student interpretive, descriptive, and diagnostic reports regarding achievement on such assessments that allow parents, teachers, and school leaders to understand and address the specific academic needs of students, and that are provided to parents, teachers, and school leaders, as soon as is practicable after the assessment is given, in an understandable and uniform format, and to the extent practicable, in a language that parents can understand;

''(xii) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English language proficiency status, by migrant status, by status as a student with a disability, and by economically disadvantaged status, except that, in the case of a local educational agency or a school, 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 personally identifiable information about an individual student; and

''(xiii) be administered to not less than 95 percent of all students, and not less than 95 percent of each subgroup of students described in paragraph (3)(B)(ii)(II).

''(C) ALTERNATE ASSESSMENTS.—A State may provide for alternate assessments aligned with the alternate academic standards adopted in accordance with paragraph (1)(D), for students with the most significant cognitive disabilities, if the State—

''(i) establishes and monitors implementation of clear and appropriate guidelines for individualized education program teams (as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act) to apply when determining when a child's significant cognitive disability justifies assessment based on alternate achievement standards;

''(ii) ensures that the parents of such students are informed that—

''(I) their child's academic achievement will be measured against such alternate standards; and

''(II) whether participation in such assessments precludes the student from completing the requirements for a regular high school diploma;

''(iii) demonstrates that such students are, to the extent practicable, included in the general curriculum and that such alternate assessments are aligned with such curriculum;

''(iv) develops, disseminates information about, and promotes the use of appropriate accommodations to increase the number of students with disabilities who are tested against academic achievement standards for the grade in which a student is enrolled; and

''(v) ensures that regular and special education teachers and other appropriate staff know how to administer the alternate assessments, including making appropriate use of accommodations for students with disabilities.

''(D) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—

''(i) IN GENERAL.—Each State plan shall demonstrate that local educational agencies in the State will provide for an annual assessment of English proficiency of all English learners in the schools served by the State educational agency.

''(ii) ALIGNMENT.—The assessments described in clause (i) shall be aligned with the State's English language proficiency standards described in paragraph (1)(E).

''(E) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student academic assessments are not available and are needed. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible academic assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate academic assessment measures in the needed languages, but shall not mandate a specific academic assessment or mode of instruction.

''(F) ADAPTIVE ASSESSMENTS.—A State may develop and administer computer adaptive assessments as the assessments required under subparagraph (A). If a State develops and administers a computer adaptive assessment for such purposes, the assessment shall meet the requirements of this paragraph, except as follows:

''(i) Notwithstanding subparagraph (B)(iii), the assessment—

''(I) shall measure, at a minimum, each student's academic proficiency against the State's academic standards for the student's grade level and growth toward such standards; and

''(II) if the State chooses, may be used to measure the student's level of academic proficiency and growth using assessment items above or below the student's grade level, including for use as part of a State's accountability system under paragraph (3).

''(ii) Subparagraph (B)(ii) shall not be interpreted to require that all students taking the computer adaptive assessment be administered the same assessment items.

''(3) STATE ACCOUNTABILITY SYSTEMS.—

''(A) IN GENERAL.—Each State plan shall demonstrate that the State has developed and is implementing a single, statewide accountability system to ensure that all public school students graduate from high school prepared for postsecondary education or the workforce without the need for remediation.

''(B) ELEMENTS.—Each State accountability system described in subparagraph (A) shall at a minimum—

''(i) annually measure the academic achievement of all public school students in the State against the State's mathematics and reading or language arts academic standards adopted under paragraph (1), which may include measures of student growth toward such standards, using the mathematics and reading or language arts assessments described in paragraph (2)(B) and other valid and reliable academic indicators related to student achievement as identified by the State;

''(ii) annually evaluate and identify the academic performance of each public school in the State based on—

''(I) student academic achievement as measured in accordance with clause (i); and

''(II) the overall performance, and achievement gaps as compared to all students in the school, for economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and English learners, except that disaggregation of data under this subclause 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 personally identifiable information about an individual student; and

''(iii) include a system for school improvement for low-performing public schools receiving funds under this subpart that—

''(I) implements interventions in such schools that are designed to address such schools' weaknesses; and

''(II) is implemented by local educational agencies serving such schools.

''(C) PROHIBITION.—Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes any aspect of a State's accountability system developed and implemented in accordance with this paragraph.

''(D) ACCOUNTABILITY FOR CHARTER SCHOOLS.—The accountability provisions under this Act shall be overseen for charter schools in accordance with State charter school law.

''(4) REQUIREMENTS.—Each State plan shall describe—

''(A) how the State educational agency will assist each local educational agency and each public school affected by the State plan to comply with the requirements of this subpart, including how the State educational agency will work with local educational agencies to provide technical assistance; and

''(B) how the State educational agency will ensure that the results of the State assessments described in paragraph (2), the other indicators selected by the State under paragraph (3)(B)(i), and the school evaluations described in paragraph (3)(B)(ii), will be promptly provided to local educational agencies, schools, teachers, and parents in a manner that is clear and easy to understand, but not later than before the beginning of the school year following the school year in which such assessments, other indicators, or evaluations are taken or completed.

''(5) TIMELINE FOR IMPLEMENTATION.—Each State plan shall describe the process by which the State will adopt and implement the State academic standards, assessments, and accountability system required under this section within 2 years of enactment of the Student Success Act.

''(6) EXISTING STANDARDS.—Nothing in this subpart shall prohibit a State from revising, consistent with this section, any standard adopted under this section before or after the date of enactment of the Student Success Act.

''(7) EXISTING STATE LAW.—Nothing in this section shall be construed to alter any State law or regulation granting parents authority over schools that repeatedly failed to make adequate yearly progress under this section, as in effect on the day before the date of the enactment of the Student Success Act.

''(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

''(1) the State will notify local educational agencies, schools, teachers, parents, and the public of the academic standards, academic assessments, and State accountability system developed and implemented under this section;

''(2) the State will participate in biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act if the Secretary pays the costs of administering such assessments;

''(3) the State educational agency will notify local educational agencies and the public of the authority to operate schoolwide programs;

''(4) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this subpart;

''(5) the State educational agency will encourage schools to consolidate funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

''(6) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114; and

''(7) the State educational agency will inform local educational agencies in the State of the local educational agency's authority to transfer funds under section 1002 and to obtain waivers under section 5401.

''(d) PARENTAL INVOLVEMENT.—Each State plan shall describe how the State educational agency will support 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 that meets the highest professional and technical standards on effective parental involvement that fosters achievement to high standards for all children;

''(2) be geared toward lowering barriers to greater participation by parents in school planning, review, and improvement; and

''(3) be coordinated with programs funded under subpart 3 of part A of title III.

''(e) PEER REVIEW AND SECRETARIAL APPROVAL.—

''(1) ESTABLISHMENT.—Notwithstanding section 5543, the Secretary shall—

''(A) establish a peer-review process to assist in the review of State plans; and

''(B) appoint individuals to the peer-review process who are representative of parents, teachers, State educational agencies, and local educational agencies, and who are familiar with educational standards, assessments, accountability, the needs of low-performing schools, and other educational needs of students, and ensure that 75 percent of such appointees are practitioners.

''(2) APPROVAL.—The Secretary shall—

''(A) approve a State plan within 120 days of its submission;

''(B) disapprove of the State plan only if the Secretary demonstrates how the State plan fails to meet the requirements of this section and immediately notifies the State of such determination and the reasons for such determination;

''(C) not decline to approve a State's plan before—

''(i) offering the State an opportunity to revise its plan;

''(ii) providing technical assistance in order to assist the State to meet the requirements of this section; and

''(iii) providing a hearing; and

''(D) have the authority to disapprove a State plan for not meeting the requirements of this subpart, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State's academic standards or State accountability system, or to use specific academic assessments or other indicators.

''(3) STATE REVISIONS.—A State plan shall be revised by the State educational agency if it is necessary to satisfy the requirements of this section.

''(4) PUBLIC REVIEW.—All communications, feedback, and notifications under this subsection shall be conducted in a manner that is immediately made available to the public through the website of the Department, including—

''(A) peer review guidance;

''(B) the names of the peer reviewers;

''(C) State plans submitted or resubmitted by a State, including the current approved plans;

''(D) peer review notes;

''(E) State plan determinations by the Secretary, including approvals or disapprovals, and any deviations from the peer reviewers' recommendations with an explanation of the deviation; and

''(F) hearings.

''(5) PROHIBITION.—The Secretary, and the Secretary's staff, may not attempt to participate in, or influence, the peer review process. No Federal employee may participate in, or attempt to influence the peer review process, except to respond to questions of a technical nature, which shall be publicly reported.

''(f) DURATION OF THE PLAN.—

''(1) IN GENERAL.—Each State plan shall—

''(A) remain in effect for the duration of the State's participation under this subpart; and

''(B) be periodically reviewed and revised as necessary by the State educational agency to reflect changes in the State's strategies and programs under this subpart.

''(2) ADDITIONAL INFORMATION.—If a State makes significant changes to its State plan, such as the adoption of new State academic standards or new academic assessments, or adopts a new State accountability system, such information shall be submitted to the Secretary under subsection (e)(2) for approval.

''(g) FAILURE TO MEET REQUIREMENTS.—If a State fails to meet any of the requirements of this section then the Secretary shall withhold funds for State administration under this subpart until the Secretary determines that the State has fulfilled those requirements.

''(h) REPORTS.—

''(1) ANNUAL STATE REPORT CARD.—

''(A) IN GENERAL.—A State that receives assistance under this subpart shall prepare and disseminate an annual State report card. Such dissemination shall include, at a minimum, publicly posting the report card on the home page of the State educational agency's website.

''(B) IMPLEMENTATION.—The State report card shall be—

''(i) concise; and

''(ii) presented in an understandable and uniform format that is developed in consultation with parents and, to the extent practicable, provided in a language that parents can understand.

''(C) REQUIRED INFORMATION.—The State shall include in its annual State report card information on—

''(i) the performance of students, in the aggregate and disaggregated by the categories of students described in subsection (b)(2)(B)(xii) (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 personally identifiable information about an individual student), on the State academic assessments described in subsection (b)(2);

''(ii) the participation rate on such assessments, in the aggregate and disaggregated in accordance with clause (i);

''(iii) the performance of students, in the aggregate and disaggregated in accordance with clause (i), on other academic indicators described in subsection (b)(3)(B)(i);

''(iv) for each public high school in the State, in the aggregate and disaggregated in accordance with clause (i)—

''(I) the four-year adjusted cohort graduation rate, and

''(II) if applicable, the extended-year adjusted cohort graduation rate, reported separately for students graduating in 5 years or less, students graduating in 6 years or less, and students graduating in 7 or more years;

''(v) each public school's evaluation results as determined in accordance with subsection (b)(3)(B)(ii);

''(vi) the acquisition of English proficiency by English learners;

''(vii) the number and percentage of teachers in each category established under clause (iii) of section 2123(1)(A), except that such information shall not reveal personally identifiable information about an individual teacher; and

''(viii) the results of the assessments described in subsection (c)(2).

''(D) OPTIONAL INFORMATION.—The State may include in its annual State report card such other information as the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State's public elementary schools and public secondary schools.

''(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.—

''(A) IN GENERAL.—A local educational agency that receives assistance under this subpart shall prepare and disseminate an annual local educational agency report card.

''(B) MINIMUM REQUIREMENTS.—The State educational agency shall ensure that each local educational agency collects appropriate data and includes in the local educational agency's annual report the information described in paragraph (1)(C) as applied to the local educational agency and each school served by the local educational agency, and—

''(i) in the case of a local educational agency, information that shows how students served by the local educational agency achieved on the statewide academic assessment and other academic indicators adopted in accordance with subsection (b)(3)(B)(i) compared to students in the State as a whole; and

''(ii) in the case of a school, the school's evaluation under subsection (b)(3)(B)(ii).

''(C) OTHER INFORMATION.—A local educational agency may include in its annual local educational agency report card any other appropriate information, whether or not such information is included in the annual State report card.

''(D) DATA.—A local educational agency or school shall only include in its annual local educational agency report card data that are sufficient to yield statistically reliable information, as determined by the State, and that do not reveal personally identifiable information about an individual student.

''(E) PUBLIC DISSEMINATION.—The local educational agency shall publicly disseminate the information described in this paragraph to all schools served by the local educational agency and to all parents of students attending those schools in an understandable and uniform format, and, to the extent practicable, in a language that parents can understand, and make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, except that if a local educational agency issues a report card for all students, the local educational agency may include the information under this section as part of such report.

''(3) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency may use public report cards on the performance of students, schools, local educational agencies, or the State, that were in effect prior to the enactment of the Student Success Act for the purpose of this subsection, so long as any such report card is modified, as may be needed, to contain the information required by this subsection.

''(4) PARENTS RIGHT-TO-KNOW.—

''(A) ACHIEVEMENT INFORMATION.—At the beginning of each school year, a school that receives funds under this subpart shall provide to each individual parent information on the level of achievement of the parent's child in each of the State academic assessments and other academic indicators adopted in accordance with this subpart.

''(B) FORMAT.—The notice and information provided to parents under this paragraph shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

''(i) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals consistent with section 444 of the General Education Provisions Act.

''(j) VOLUNTARY PARTNERSHIPS.—A State may enter into a voluntary partnership with another State to develop and implement the academic standards and assessments required under this section, except that the Secretary shall not, either directly or indirectly, attempt to influence, incentivize, or coerce State—

''(1) adoption of the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or assessments tied to such standards; or

''(2) participation in any such partnerships.

''(k) CONSTRUCTION.—Nothing in this part shall be construed to prescribe the use of the academic assessments described in this part for student promotion or graduation purposes.

''(l) SPECIAL RULE WITH RESPECT TO BUREAU-FUNDED SCHOOLS.—In determining the assessments to be used by each school operated or funded by the Bureau of Indian Education receiving funds under this subpart, the following shall apply:

''(1) Each such school that is accredited by the State in which it is operating shall use the assessments and other academic indicators the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment and academic indicators as approved by the Secretary of the Interior.

''(2) Each such school that is accredited by a regional accrediting organization shall adopt an appropriate assessment and other academic indicators, in consultation with and with the approval of, the Secretary of the Interior and consistent with assessments and academic indicators adopted by other schools in the same State or region, that meet the requirements of this section.

''(3) Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use an assessment and other academic indicators developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment and academic indicators meet the requirements of this section.''.

SEC. 113. LOCAL EDUCATIONAL AGENCY PLANS.

Section 1112 (20 U.S.C. 6312) is amended to read as follows:

''SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

''(a) PLANS REQUIRED.—

''(1) SUBGRANTS.—A local educational agency may receive a subgrant under this subpart for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the McKinney-Vento Homeless Assistance Act, and other Acts, as appropriate.

''(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 5305.

''(b) PLAN PROVISIONS.—Each local educational agency plan shall describe—

''(1) how the local educational agency will monitor, in addition to the State assessments described in section 1111(b)(2), students' progress in meeting the State's academic standards;

''(2) how the local educational agency will identify quickly and effectively those students who may be at risk of failing to meet the State's academic standards;

''(3) how the local educational agency will provide additional educational assistance to individual students in need of additional help in meeting the State's academic standards;

''(4) how the local educational agency will implement the school improvement system described in section 1111(b)(3)(B)(iii) for any of the agency's schools identified under such section;

''(5) how the local educational agency will coordinate programs under this subpart with other programs under this Act and other Acts, as appropriate;

''(6) the poverty criteria that will be used to select school attendance areas under section 1113;

''(7) how teachers, in consultation with parents, administrators, and specialized instructional support personnel, in targeted assistance schools under section 1115, will identify the eligible children most in need of services under this subpart;

''(8) in general, the nature of the programs to be conducted by the local educational agency's schools under sections 1114 and 1115, and, where appropriate, educational services outside such schools for children living in local institutions for neglected and delinquent children, and for neglected and delinquent children in community day school programs;

''(9) how the local educational agency will ensure that migratory children who are eligible to receive services under this subpart are selected to receive such services on the same basis as other children who are selected to receive services under this subpart;

''(10) the services the local educational agency will provide homeless children, including services provided with funds reserved under section 1113(c)(3)(A);

''(11) the strategy the local educational agency will use to implement effective parental involvement under section 1118;

''(12) if appropriate, how the local educational agency will use funds under this subpart to support preschool programs for children, particularly children participating in a Head Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or another comparable early childhood development program;

''(13) how the local educational agency, through incentives for voluntary transfers, the provision of professional development, recruitment programs, incentive pay, performance pay, or other effective strategies, will address disparities in the rates of low-income and minority students and other students being taught by ineffective teachers;

''(14) if appropriate, how the local educational agency will use funds under this subpart to support programs that coordinate and integrate—

''(A) career and technical education aligned with State technical standards that promote skills attainment important to in-demand occupations or industries in the State and the State's

academic standards under section 1111(b)(1); and

''(B) work-based learning opportunities that provide students in-depth interaction with industry professionals; and

''(15) if appropriate, how the local educational agency will use funds under this subpart to support dual enrollment programs and early college high schools.

''(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

''(1) participate, if selected, in biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act;

''(2) inform schools of schoolwide program authority and the ability to consolidate funds from Federal, State, and local sources;

''(3) provide technical assistance to schoolwide programs;

''(4) 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 or representatives regarding such services;

''(5) in the case of a local educational agency that chooses to use funds under this subpart to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act;

''(6) inform eligible schools of the local educational agency's authority to request waivers on the school's behalf under Title V; and

''(7) ensure that the results of the academic assessments required under section 1111(b)(2) will be provided to parents and teachers as soon as is practicably possible after the test is taken, in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

''(d) SPECIAL RULE.—In carrying out subsection (c)(5), the Secretary shall—

''(1) consult with the Secretary of Health and Human Services and shall establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subparagraph; and

''(2) disseminate to local educational agencies the education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act, and such agencies affected by such subsection shall plan for the implementation of such subsection (taking into consideration existing State and local laws, and local teacher contracts).

''(e) PLAN DEVELOPMENT AND DURATION.—

''(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with teachers, school leaders, public charter school representatives, administrators, and other appropriate school personnel, and with parents of children in schools served under this subpart.

''(2) DURATION.—Each such plan shall be submitted for the first year for which this part is in effect following the date of enactment of this Act and shall remain in effect for the duration of the agency's participation under this subpart.

''(3) REVIEW.—Each local educational agency shall periodically review and, as necessary, revise its plan.

''(f) STATE APPROVAL.—

''(1) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

''(2) APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan—

''(A) enables schools served under this subpart to substantially help children served under this subpart to meet the State's academic standards described in section 1111(b)(1); and

''(B) meets the requirements of this section.

''(3) REVIEW.—The State educational agency shall review the local educational agency's plan to determine if such agency's activities are in accordance with section 1118.

''(g) PARENTAL NOTIFICATION.—

''(1) IN GENERAL.—Each local educational agency using funds under this subpart and subpart 4 to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform parents of an English learner identified for participation, or participating in, such a program of—

''(A) the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;

''(B) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

''(C) the methods of instruction used in the program in which their child is, or will be participating, and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;

''(D) how the program in which their child is, or will be participating, will meet the educational strengths and needs of their child;

''(E) how such program will specifically help their child learn English, and meet age-appropriate academic achievement standards for grade promotion and graduation;

''(F) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learners, and the expected rate of graduation from high school for such program if funds under this subpart are used for children in secondary schools;

''(G) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and

''(H) information pertaining to parental rights that includes written guidance—

''(i) detailing—

''(I) the right that parents have to have their child immediately removed from such program upon their request; and

''(II) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

''(ii) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

''(2) NOTICE.—The notice and information provided in paragraph (1) to parents of a child identified for participation in a language instruction educational program for English learners shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

''(3) SPECIAL RULE APPLICABLE DURING THE SCHOOL YEAR.—For those children who have not been identified as English learners prior to the beginning of the school year the local educational agency shall notify parents within the first 2 weeks of the child being placed in a language instruction educational program consistent with paragraphs (1) and (2).

''(4) PARENTAL PARTICIPATION.—Each local educational agency receiving funds under this subpart shall implement an effective means of outreach to parents of English learners to inform the parents regarding how the parents can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet the State's academic standards expected of all students, including holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this subpart.

''(5) BASIS FOR ADMISSION OR EXCLUSION.—A student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.''.

SEC. 114. ELIGIBLE SCHOOL ATTENDANCE AREAS.

Section 1113 (20 U.S.C. 6313) is amended—

(1) by striking ''part'' each place it appears and inserting ''subpart''; and

(2) in subsection (c)(4)—

(A) by striking ''subpart 2'' and inserting ''chapter B''; and

(B) by striking ''school improvement, corrective action, and restructuring under section 1116(b)'' and inserting ''school improvement under section 1111(b)(3)(B)(iii)''.

SEC. 115. SCHOOLWIDE PROGRAMS.

Section 1114 (20 U.S.C. 6314) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''part'' and inserting ''subpart''; and

(ii) by striking ''in which'' through ''such families'';

(B) in paragraph (2)—

(i) in subparagraph (A)(i), by striking ''part'' and inserting ''subpart''; and

(ii) in subparagraph (B)—

(I) by striking ''children with limited English proficiency'' and inserting ''English learners''; and

(II) by striking ''part'' and inserting ''subpart'';

(C) in paragraph (3)(B), by striking ''maintenance of effort,'' after ''private school children,''; and

(D) by striking paragraph (4); and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''(including'' and all that follows through ''1309(2))''; and

(II) by striking ''content standards and the State student academic achievement standards'' and inserting ''standards'';

(ii) in subparagraph (B)—

(I) in clause (i), by striking ''proficient'' and all that follows through ''section 1111(b)(1)(D)'' and inserting ''academic standards described in section 1111(b)(1)'';

(II) in clause (ii), in the matter preceding subclause (I), by striking ''based on scientifically based research'' and inserting ''evidence-based'';

(III) in clause (iii)—

(aa) in subclause (I)—

(AA) by striking ''student academic achievement standards'' and inserting ''academic standards''; and

(BB) by striking ''schoolwide program,'' and all that follows through ''technical education programs; and'' and inserting ''schoolwide programs; and''; and

(bb) in subclause (II), by striking ''and'';

(IV) in clause (iv)—

(aa) by striking ''the State and local improvement plans'' and inserting ''school improvement strategies''; and

(bb) by striking the period and inserting ''; and''; and

(V) by adding at the end the following new clause:

''(v) may be delivered by nonprofit or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement.'';

(iii) in subparagraph (C), by striking ''highly qualified'' and inserting ''effective'';

(iv) in subparagraph (D)—

(I) by striking ''In accordance with section 1119 and subsection (a)(4), high-quality'' and inserting ''High-quality'';

(II) by striking ''pupil services'' and inserting ''specialized instructional support services''; and

(III) by striking ''student academic achievement'' and inserting ''academic'';

(v) in subparagraph (E), by striking ''high-quality highly qualified'' and inserting ''effective'';

(vi) in subparagraph (G), by striking '', such as Head Start, Even Start, Early Reading First, or a State-run preschool program,'';

(vii) in subparagraph (H), by striking ''section 1111(b)(3)'' and inserting ''section 1111(b)(2)'';

(viii) in subparagraph (I), by striking ''proficient or advanced levels of academic achievement standards'' and inserting ''State academic standards''; and

(ix) in subparagraph (J), by striking ''vocational'' and inserting ''career''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking ''first develop'' and all that follows through ''2001)'' and inserting ''have in place''; and

(bb) by striking ''and its school support team or other technical assistance provider under section 1117'';

(II) in clause (ii), by striking ''part'' and inserting ''subpart''; and

(III) in clause (iv), by striking ''section 1111(b)(3)'' and inserting ''section 1111(b)(2)''; and

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) in subclause (I), by striking '', after considering the recommendation of the technical assistance providers under section 1117,''; and

(bb) in subclause (II), by striking ''No Child Left Behind Act of 2001'' and inserting ''Student Success Act'';

(II) in clause (ii)—

(aa) by striking ''(including administrators of programs described in other parts of this title)''; and

(bb) by striking ''pupil services'' and inserting ''specialized instructional support services'';

(III) in clause (iii), by striking ''part'' and inserting ''subpart''; and

(IV) in clause (v), by striking ''Reading First, Early Reading First, Even Start,''; and

(3) in subsection (c)—

(A) by striking ''part'' and inserting ''subpart''; and

(B) by striking ''6,'' and all that follows through the period at the end and inserting ''6.''.

SEC. 116. TARGETED ASSISTANCE SCHOOLS.

Section 1115 (20 U.S.C. 6315) is amended—

(1) in subsection (a)—

(A) by striking ''are ineligible for a schoolwide program under section 1114, or that'';

(B) by striking ''operate such'' and inserting ''operate''; and

(C) by striking ''part'' and inserting ''subpart'';

(2) in subsection (b)—

(A) in paragraph (1)(B), by striking ''challenging student academic achievement'' and inserting ''academic'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''limited English proficient children'' and inserting ''English learners''; and

(II) by striking ''part'' each place it appears and inserting ''subpart'';

(ii) in subparagraph (B)—

(I) in the heading, by striking '', EVEN START, OR EARLY READING FIRST'';

(II) by striking '', Even Start, or Early Reading First''; and

(III) by striking ''part'' and inserting ''subpart'';

(iii) in subparagraph (C)—

(I) by amending the heading to read as follows: ''SUBPART 3 CHILDREN.—'';

(II) by striking ''part C'' and inserting ''subpart 3''; and

(III) by striking ''part'' and inserting ''subpart'';

(iv) in subparagraphs (D) and (E), by striking ''part'' each place it appears and inserting ''subpart'';

(C) in paragraph (3), by striking ''part'' and inserting ''subpart'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''part'' and inserting ''subpart''; and

(II) by striking ''challenging student academic achievement'' and inserting ''academic'';

(ii) in subparagraph (A)—

(I) by striking ''part'' and inserting ''subpart''; and

(II) by striking ''challenging student academic achievement'' and inserting ''academic'';

(iii) in subparagraph (B), by striking ''part'' and inserting ''subpart'';

(iv) in subparagraph (C)—

(I) in the matter preceding clause (i), by striking ''based on scientifically based research'' and inserting ''evidence-based''; and

(II) in clause (iii), by striking ''part'' and inserting ''subpart'';

(v) in subparagraph (D), by striking ''such as Head Start, Even Start, Early Reading First or State-run preschool programs'';

(vi) in subparagraph (E), by striking ''highly qualified'' and inserting ''effective'';

(vii) in subparagraph (F)—

(I) by striking ''in accordance with subsection (e)(3) and section 1119,'';

(II) by striking ''part'' and inserting ''subpart''; and

(III) by striking ''pupil services personnel'' and inserting ''specialized instructional support personnel''; and

(viii) in subparagraph (H), by striking ''vocational'' and inserting ''career''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''proficient and advanced levels of achievement'' and inserting ''academic standards'';

(ii) in subparagraph (A), by striking ''part'' and inserting ''subpart''; and

(iii) in subparagraph (B), by striking ''challenging student academic achievement'' and inserting ''academic'';

(4) in subsection (d), in the matter preceding paragraph (1), by striking ''part'' each place it appears and inserting ''subpart'';

(5) in subsection (e)—

(A) in paragraph (2)(B)—

(i) in the matter preceding clause (i), by striking ''part'' and inserting ''subpart''; and

(ii) in clause (iii), by striking ''pupil services'' and inserting ''specialized instructional support services''; and

(B) by striking paragraph (3); and

(6) by adding at the end the following new subsection:

''(f) DELIVERY OF SERVICES.—The elements of a targeted assistance program under this section may be delivered by nonprofit or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement.''.

SEC. 117. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT; SCHOOL SUPPORT AND RECOGNITION.

The Act is amended by repealing sections 1116 and 1117 (20 U.S.C. 6316; 6317).

SEC. 118. PARENTAL INVOLVEMENT.

Section 1118 (20 U.S.C. 6318) is amended—

(1) by striking ''part'' each place such term appears and inserting ''subpart'';

(2) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking '', and'' and all that follows through ''1116''; and

(ii) in subparagraph (D), by striking '', such as'' and all that follows through ''preschool programs''; and

(B) in paragraph (3)(A), by striking ''subpart 2 of this part'' each place it appears and inserting ''chapter B of this subpart'';

(3) by amending subsection (c)(4)(B) to read as follows:

''(B) a description and explanation of the curriculum in use at the school and the forms of academic assessment used to measure student progress; and'';

(4) in subsection (d)(1), by striking ''student academic achievement'' and inserting ''academic'';

(5) in subsection (e)—

(A) in paragraph (1), by striking ''State's academic content standards and State student academic achievement standards'' and inserting ''State's academic standards'';

(B) in paragraph (3)—

(i) by striking ''pupil services personnel,'' and inserting ''specialized instructional support personnel,''; and

(ii) by striking ''principals,'' and inserting ''school leaders,''; and

(C) in paragraph (4), by striking ''Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other'' and inserting ''other Federal, State, and local''; and

(6) by amending subsection (g) to read as follows:

''(g) FAMILY ENGAGEMENT IN EDUCATION PROGRAMS.—In a State operating a program under subpart 3 of part A of title III, each local educational agency or school that receives assistance under this subpart shall inform such parents and organizations of the existence of such programs.''.

SEC. 119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

The Act is amended by repealing section 1119 (20 U.S.C. 6319).

SEC. 120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

Section 1120 (20 U.S.C. 6320) is amended to read as follows:

''SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

''(a) GENERAL REQUIREMENT.—

''(1) IN GENERAL.—To the extent consistent with the number of eligible children identified under section 1115(b) in the school district served by a local educational agency who are enrolled in private elementary schools and secondary schools, a local educational agency shall—

''(A) after timely and meaningful consultation with appropriate private school officials or representatives, provide such service, on an equitable basis and individually or in combination, as requested by the officials or representatives to best meet the needs of such children, special educational services, instructional services, counseling, mentoring, one-on-one tutoring, or other benefits under this subpart (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs; and

''(B) ensure that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to this subpart.

''(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Such educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological.

''(3) EQUITY.—

''(A) IN GENERAL.—Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this subpart, and shall be provided in a timely manner.

''(B) OMBUDSMAN.—To help ensure such equity for such private school children, teachers, and other educational personnel, the State educational agency involved shall designate an ombudsman to monitor and enforce the requirements of this subpart.

''(4) EXPENDITURES.—

''(A) IN GENERAL.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the expenditures for participating public school children, taking into account the number, and educational needs, of the children to be served. The share of funds shall be determined based on the total allocation received by the local educational agency prior to any allowable expenditures authorized under this title.

''(B) OBLIGATION OF FUNDS.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall—

''(i) be obligated in the fiscal year for which the funds are received by the agency; and

''(ii) with respect to any such funds that cannot be so obligated, be used to serve such children in the following fiscal year.

''(C) NOTICE OF ALLOCATION.—Each State educational agency shall—

''(i) determine, in a timely manner, the proportion of funds to be allocated to each local educational agency in the State for educational services and other benefits under this subpart to eligible private school children; and

''(ii) provide notice, simultaneously, to each such local educational agency and the appropriate private school officials or their representatives in the State of such allocation of funds.

''(5) PROVISION OF SERVICES.—The local educational agency or, in a case described in subsection (b)(6)(C), the State educational agency involved, may provide services under this section directly or through contracts with public or private agencies, organizations, and institutions.

''(b) CONSULTATION.—

''(1) IN GENERAL.—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials or representatives during the design and development of such agency's programs under this subpart in order to reach an agreement between the agency and the officials or representatives about equitable and effective programs for eligible private school children, the results of which shall be transmitted to the designated ombudsmen under section 1120(a)(3)(B). Such process shall include consultation on issues such as—

''(A) how the children's needs will be identified;

''(B) what services will be offered;

''(C) how, where, and by whom the services will be provided;

''(D) how the services will be academically assessed and how the results of that assessment will be used to improve those services;

''(E) the size and scope of the equitable services to be provided to the eligible private school children, and the proportion of funds that is allocated under subsection (a)(4)(A) for such services, how that proportion of funds is determined under such subsection, and an itemization of the costs of the services to be provided;

''(F) the method or sources of data that are used under subsection (c) and section 1113(c)(1) to determine the number of children from low-income families in participating school attendance areas who attend private schools;

''(G) how and when the agency will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials or representatives on the provision of services through a contract with potential third-party providers;

''(H) how, if the agency disagrees with the views of the private school officials or representatives on the provision of services through a contract, the local educational agency will provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to use a contractor;

''(I) whether the agency will provide services under this section directly or through contracts with public and private agencies, organizations, and institutions;

''(J) whether to provide equitable services to eligible private school children—

''(i) by creating a pool or pools of funds with all of the funds allocated under paragraph (4) based on all the children from low-income families who attend private schools in a participating school attendance area of the agency from which the local educational agency will provide such services to all such children; or

''(ii) by providing such services to eligible children in each private school in the agency's participating school attendance area with the proportion of funds allocated under paragraph (4) based on the number of children from low-income families who attend such school; and

''(K) whether to consolidate and use funds under this subpart to provide schoolwide programs for a private school.

''(2) DISAGREEMENT.—If a local educational agency disagrees with the views of private school officials or representatives with respect to an issue described in paragraph (1), 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 adopt the course of action requested by such officials.

''(3) TIMING.—Such consultation shall include meetings of agency and private school officials or representatives and shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this subpart. Such meetings shall continue throughout implementation and assessment of services provided under this section.

''(4) DISCUSSION.—Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.

''(5) DOCUMENTATION.—Each local educational agency shall maintain in the agency's records and provide to the State educational agency involved a written affirmation signed by officials or representatives of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials or representatives to indicate that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials or representatives do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

''(6) COMPLIANCE.—

''(A) IN GENERAL.—A private school official shall have the right to file a complaint with the State educational agency that the local educational agency did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the private school official, or did not treat the private school or its students equitably as required by this section.

''(B) PROCEDURE.—If the private school official wishes to file a complaint, the official shall provide the basis of the noncompliance with this section by the local educational agency to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency.

''(C) STATE EDUCATIONAL AGENCIES.—A State educational agency shall provide services under this section directly or through contracts with public or private agencies, organizations, and institutions, if—

''(i) the appropriate private school officials or their representatives have—

''(I) requested that the State educational agency provide such services directly; and

''(II) demonstrated that the local educational agency involved has not met the requirements of this section; or

''(ii) in a case in which—

''(I) a local educational agency has more than 10,000 children from low-income families who attend private elementary schools or secondary schools in a participating school attendance area of the agency that are not being served by the agency's program under this section; or

''(II) 90 percent of the eligible private school students in a participating school attendance area of the agency are not being served by the agency's program under this section.

''(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 children, ages 5 through 17, who are from low-income families and attend private schools 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;

''(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; or

''(D) using an equated measure of low income correlated with the measure of low income used to count public school children.

''(2) COMPLAINT PROCESS.—Any dispute regarding low-income data for private school students shall be subject to the complaint process authorized in section 5503.

''(d) PUBLIC CONTROL OF FUNDS.—

''(1) IN GENERAL.—The control of funds provided under this subpart, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.

''(2) PROVISION OF SERVICES.—

''(A) PROVIDER.—The provision of services under this section shall be provided—

''(i) by employees of a public agency; or

''(ii) through a contract by such public agency with an individual, association, agency, or organization.

''(B) REQUIREMENT.—In the provision of such services, such employee, individual, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

''(e) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation in programs on an equitable basis of eligible children enrolled in private elementary schools and secondary schools, or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

''(1) waive the requirements of this section for such local educational agency;

''(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 5503 and 5504; and

''(3) in making the determination under this subsection, consider one or more factors, including the quality, size, scope, and location of the program and the opportunity of eligible children to participate.''.

SEC. 121. FISCAL REQUIREMENTS.

Section 1120A (20 U.S.C. 6321) is amended—

(1) by striking ''part'' each place it appears and inserting ''subpart''; and

(2) by striking subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

SEC. 122. COORDINATION REQUIREMENTS.

Section 1120B (20 U.S.C. 6322) is amended—

(1) by striking ''part'' each place it appears and inserting ''subpart'';

(2) in subsection (a), by striking ''such as the Early Reading First program''; and

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking '', such as the Early Reading First program,'';

(B) in paragraphs (1) through (3), by striking ''such as the Early Reading First program'' each place it appears;

(C) in paragraph (4), by striking ''Early Reading First program staff,''; and

(D) in paragraph (5), by striking ''and entities carrying out Early Reading First programs''.

SEC. 123. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

Section 1121 (20 U.S.C. 6331) is amended—

(1) in subsection (a), by striking ''appropriated for payments to States for any fiscal year under section 1002(a) and 1125A(f)'' and inserting ''reserved for this chapter under section 1122(a)''; and

(2) in subsection (b)—

(A) in paragraph (2), by striking ''the No Child Left Behind Act of 2001'' and inserting ''the Student Success Act'';

(B) in paragraph (3)—

(i) in subparagraph (B), by striking ''basis,'' and all that follows through the period at the end and inserting ''basis.'';

(ii) in subparagraph (C)(ii), by striking ''challenging State academic content standards'' and inserting ''State academic standards''; and

(iii) by striking subparagraph (D); and

(3) in subsection (d)(2), by striking ''part'' and inserting ''subpart''.

SEC. 124. ALLOCATIONS TO STATES.

Section 1122 (20 U.S.C. 6332) is amended—

(1) by amending subsection (a) to read as follows:

''(a) RESERVATION.—

''(1) IN GENERAL.—From the amounts appropriated under section 3(a)(1), the Secretary shall reserve 91.055 percent of such amounts to carry out this chapter.

''(2) ALLOCATION FORMULA.—Of the amount reserved under paragraph (1) for each of fiscal years 2014 to 2019 (referred to in this subsection as the current fiscal year)—

''(A) an amount equal to the amount made available to carry out section 1124 for fiscal year 2001 shall be used to carry out section 1124;

''(B) an amount equal to the amount made available to carry out section 1124A for fiscal year 2001 shall be used to carry out section 1124A; and

''(C) an amount equal to 100 percent of the amount, if any, by which the total amount made available to carry out this chapter for the fiscal year for which the determination is made exceeds the total amount available to carry out sections 1124 and 1124A for fiscal year 2001 shall be used to carry out sections 1125 and 1125A and such amount shall be divided equally between sections 1125 and 1125A.'';

(2) in subsection (b)(1), by striking ''subpart'' and inserting ''chapter'';

(3) in subsection (c)(3), by striking ''part'' and inserting ''subpart''; and

(4) in subsection (d)(1), by striking ''subpart'' and inserting ''chapter''.

SEC. 125. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

Section 1124 (20 U.S.C. 6333) is amended—

(1) in subsection (a)—

(A) in paragraph (3)—

(i) in subparagraph (B), by striking ''subpart'' and inserting ''chapter''; and

(ii) in subparagraph (C)(i), by striking ''subpart'' and inserting ''chapter''; and

(B) in paragraph (4)(C), by striking ''subpart'' each place it appears and inserting ''chapter''; and

(2) in subsection (c)—

(A) in paragraph (1)(B), by striking ''subpart 1 of part D'' and inserting ''chapter A of subpart 3''; and

(B) in paragraph (2), by striking ''part'' and inserting ''subpart''.

SEC. 126. ADEQUACY OF FUNDING OF TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES IN FISCAL YEARS AFTER FISCAL YEAR 2001.

Section 1125AA (20 U.S.C. 6336) is amended to read as follows:

''SEC. 1125AA. ADEQUACY OF FUNDING OF TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES IN FISCAL YEARS AFTER FISCAL YEAR 2001.

''Pursuant to section 1122, the total amount allocated in any fiscal year after fiscal year 2001 for programs and activities under this subpart shall not exceed the amount allocated in fiscal year 2001 for such programs and activities unless the amount available for targeted grants to local educational agencies under section 1125 in the applicable fiscal year meets the requirements of section 1122(a).''.

SEC. 127. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.

Section 1125A (20 U.S.C. 6337) is amended—

(1) by striking ''part'' each place it appears and inserting ''subpart'';

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''appropriated pursuant to subsection (f)'' and inserting ''made available for any fiscal year to carry out this section''; and

(B) in subparagraph (B)(i), by striking ''total appropriations'' and inserting ''the total amount reserved under section 1122(a) to carry out this section'';

(3) by striking subsections (a), (e), and (f) and redesignating subsections (b), (c), (d), and (g) as subsections (a), (b), (c), and (d), respectively; and

(4) in subsection (b), as redesignated, by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

SEC. 128. CARRYOVER AND WAIVER.

Section 1127 (20 U.S.C. 6339) is amended by striking ''subpart'' each place it appears and inserting ''chapter''.

Subtitle C—Additional Aid to States and School Districts

SEC. 131. ADDITIONAL AID.

(a) IN GENERAL.—Title I (20 U.S.C. 6301 et seq.), as amended by the preceding provisions of this Act, is further amended—

(1) by striking parts B through D and F through H; and

(2) by inserting after subpart 1 of part A the following:

''Subpart 2—Education of Migratory Children

''SEC. 1131. PROGRAM PURPOSES.

''The purposes of this subpart are as follows:

''(1) To assist States in supporting high-quality and comprehensive educational programs and services during the school year, and as applicable, during summer or intercession periods, that address the unique educational needs of migratory children.

''(2) To ensure that migratory children who move among the States, not be penalized in any manner by disparities among the States in curriculum, graduation requirements, and State academic standards.

''(3) To help such children succeed in school, meet the State academic standards that all children are expected to meet, and graduate from high school prepared for postsecondary education and the workforce without the need for remediation.

''(4) To help such children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed in school.

''(5) To help such children benefit from State and local systemic reforms.

''SEC. 1132. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From the amounts appropriated under section 3(a)(1), the Secretary shall reserve 2.37 percent to carry out this subpart.

''(b) GRANTS AWARDED.—From the amounts reserved under subsection (a) and not reserved under section 1138(c), the Secretary shall make allotments for the fiscal year to State educational agencies, or consortia of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this subpart.

''SEC. 1133. STATE ALLOCATIONS.

''(a) STATE ALLOCATIONS.—Except as provided in subsection (c), each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this subpart an amount equal to the product of—

''(1) the sum of—

''(A) the average number of identified eligible full-time equivalent migratory children aged 3 through 21 residing in the State, based on data for the preceding 3 years; and

''(B) the number of identified eligible migratory children, aged 3 through 21, who received services under this subpart in summer or intersession programs provided by the State during the previous year; multiplied by

''(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

''(b) HOLD HARMLESS.—Notwithstanding subsection (a), for each of fiscal years 2014 through 2016, no State shall receive less than 90 percent of the State's allocation under this section for the previous year.

''(c) ALLOCATION TO PUERTO RICO.—For each fiscal year, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this subpart shall be the amount determined by multiplying the number of children who would be counted under subsection (a)(1) if such subsection applied to the Commonwealth of Puerto Rico by the product of—

''(1) 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, except that the percentage calculated under this subparagraph shall not be less than 85 percent; and

''(2) 32 percent of the average per-pupil expenditure in the United States.

''(d) RATABLE REDUCTIONS; REALLOCATIONS.—

''(1) IN GENERAL.—

''(A) RATABLE REDUCTIONS.—If, after the Secretary reserves funds under section 1138(c), the amount appropriated to carry out this subpart for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

''(B) REALLOCATION.—If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary determines will best carry out the purpose of this subpart.

''(2) SPECIAL RULE.—

''(A) FURTHER REDUCTIONS.—The Secretary shall further reduce the amount of any grant to a State under this subpart for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address such needs, that such amount exceeds the amount required under section 1134.

''(B) REALLOCATION.—The Secretary shall reallocate such excess funds to other States whose grants under this subpart would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

''(e) CONSORTIUM ARRANGEMENTS.—

''(1) IN GENERAL.—In the case of a State that receives a grant of $1,000,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner.

''(2) PROPOSALS.—Any State, regardless of the amount of such State's allocation, may submit a consortium arrangement to the Secretary for approval.

''(3) APPROVAL.—The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

''(A) reduce administrative costs or program function costs for State programs; and

''(B) make more funds available for direct services to add substantially to the educational achievement of children to be served under this subpart.

''(f) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to determine the identified number of migratory children residing in each State for purposes of this section, the Secretary shall—

''(1) use the most recent information that most accurately reflects the actual number of migratory children;

''(2) develop and implement a procedure for monitoring the accuracy of such information;

''(3) develop and implement a procedure for more accurately reflecting cost factors for different types of summer and intersession program designs;

''(4) adjust the full-time equivalent number of migratory children who reside in each State to take into account—

''(A) the unique needs of those children participating in evidence-based or other effective special programs provided under this subpart that operate during the summer and intersession periods; and

''(B) the additional costs of operating such programs; and

''(5) conduct an analysis of the options for adjusting the formula so as to better direct services to migratory children, including the most at-risk migratory children.

''(g) NONPARTICIPATING STATES.—In the case of a State desiring to receive an allocation under this subpart for a fiscal year that did not receive an allocation for the previous fiscal year or that has been participating for less than 3 consecutive years, the Secretary shall calculate the State's number of identified migratory children aged 3 through 21 for purposes of subsection (a)(1)(A) by using the most recent data available that identifies the migratory children residing in the State until data is available to calculate the 3-year average number of such children in accordance with such subsection.

''SEC. 1134. STATE APPLICATIONS; SERVICES.

''(a) APPLICATION REQUIRED.—Any State desiring to receive a grant under this subpart for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(b) PROGRAM INFORMATION.—Each such application shall include—

''(1) a description of how, in planning, implementing, and evaluating programs and projects assisted under this subpart, the State and its local operating agencies will ensure that the unique educational needs of migratory children, including preschool migratory children, are identified and addressed through—

''(A) the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

''(B) joint planning among local, State, and Federal educational programs serving migratory children, including language instruction educational programs under chapter A of subpart 4; and

''(C) the integration of services available under this subpart with services provided by those other programs;

''(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same State academic standards that all children are expected to meet;

''(3) a description of how the State will use funds received under this subpart to promote interstate and intrastate coordination of services for migratory children, including how the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such a move occurs during the regular school year;

''(4) a description of the State's priorities for the use of funds received under this subpart, and how such priorities relate to the State's assessment of needs for services in the State;

''(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies, taking into account the numbers and needs of migratory children, the requirements of subsection (d), and the availability of funds from other Federal, State, and local programs; and

''(6) a description of how the State will encourage programs and projects assisted under this subpart to offer family literacy services if the programs and projects serve a substantial number of migratory children whose parents do not have a regular high school diploma or its recognized equivalent or who have low levels of literacy.

''(c) ASSURANCES.—Each such application shall also include assurances that—

''(1) funds received under this subpart will be used only—

''(A) for programs and projects, including the acquisition of equipment, in accordance with section 1136; and

''(B) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;

''(2) such programs and projects will be carried out in a manner consistent with the objectives of section 1114, subsections (b) and (d) of section 1115, subsections (b) and (c) of section 1120A, and part C;

''(3) in the planning and operation of programs and projects at both the State and local agency operating level, there is consultation with parents of migratory children for programs of not less than one school year in duration, and that all such programs and projects are carried out—

''(A) in a manner that provides for the same parental involvement as is required for programs and projects under section 1118, unless extraordinary circumstances make such provision impractical; and

''(B) in a format and language understandable to the parents;

''(4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children;

''(5) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under subpart 1;

''(6) to the extent feasible, such programs and projects will provide for—

''(A) advocacy and outreach activities for migratory children and their families, including informing such children and families of, or helping such children and families gain access to, other education, health, nutrition, and social services;

''(B) professional development programs, including mentoring, for teachers and other program personnel;

''(C) high-quality, evidence-based family literacy programs;

''(D) the integration of information technology into educational and related programs; and

''(E) programs to facilitate the transition of secondary school students to postsecondary education or employment without the need for remediation; and

''(7) the State will assist the Secretary in determining the number of migratory children under paragraph (1) of section 1133(a).

''(d) PRIORITY FOR SERVICES.—In providing services with funds received under this subpart, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's academic standards under section 1111 (b)(1) .

''(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this subpart—

''(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term;

''(2) a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs; and

''(3) secondary school students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

''SEC. 1135. SECRETARIAL APPROVAL; PEER REVIEW.

''The Secretary shall approve each State application that meets the requirements of this subpart, and may review any such application using a peer review process.

''SEC. 1136. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

''(a) COMPREHENSIVE PLAN.—

''(1) IN GENERAL.—Each State that receives assistance under this subpart shall ensure that the State and its local operating agencies identify and address the unique educational needs of migratory children in accordance with a comprehensive State plan that—

''(A) is integrated with other programs under this Act or other Acts, as appropriate;

''(B) may be submitted as a part of a consolidated application under section 5302, if—

''(i) the unique 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 plan is not used to supplant State efforts regarding, or administrative funding for, this subpart;

''(C) provides that migratory children will have an opportunity to meet the same State academic standards under section 1111(b)(1) that all children are expected to meet;

''(D) specifies measurable program goals and outcomes;

''(E) encompasses the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

''(F) is the product of joint planning among such local, State, and Federal programs, including programs under subpart 1, early childhood programs, and language instruction educational programs under chapter A of subpart 4; and

''(G) provides for the integration of services available under this subpart with services provided by such other programs.

''(2) DURATION OF THE PLAN.—Each such comprehensive 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) AUTHORIZED ACTIVITIES.—

''(1) FLEXIBILITY.—In implementing the comprehensive plan described in subsection (a), each State educational agency, where applicable through its local educational agencies, shall have the flexibility to determine the activities to be provided with funds made available under this subpart, except that such funds first shall be used to meet the identified needs of migratory children that result from their migratory lifestyle, and to permit these children to participate effectively in school.

''(2) UNADDRESSED NEEDS.—Funds provided under this subpart shall be used to address the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under subpart 1 may receive those services through funds provided under that subpart, or through funds under this subpart that remain after the agency addresses the needs described in paragraph (1).

''(3) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency from serving migratory children simultaneously with students with similar educational needs in the same educational settings, where appropriate.

''SEC. 1137. BYPASS.

''The Secretary may use all or part of any State's allocation under this subpart to make arrangements with any public or private agency to carry out the purpose of this subpart in such State if the Secretary determines that—

''(1) the State is unable or unwilling to conduct educational programs for migratory children;

''(2) such arrangements would result in more efficient and economic administration of such programs; or

''(3) such arrangements would add substantially to the educational achievement of such children.

''SEC. 1138. COORDINATION OF MIGRATORY EDUCATION ACTIVITIES.

''(a) IMPROVEMENT OF COORDINATION.—

''(1) IN GENERAL.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private entities to improve the interstate and intrastate coordination among such agencies' educational programs, including through the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

''(2) DURATION.—Grants or contracts under this subsection may be awarded for not more than 5 years.

''(b) STUDENT RECORDS.—

''(1) ASSISTANCE.—The Secretary shall assist States in developing and maintaining an effective system for the electronic transfer of student records and in determining the number of migratory children in each State.

''(2) INFORMATION SYSTEM.—

''(A) IN GENERAL.—The Secretary, in consultation with the States, shall ensure the linkage of migratory student record systems for the purpose of electronically exchanging, among the States, health and educational information regarding all migratory students. The Secretary shall ensure such linkage occurs in a cost-effective manner, utilizing systems used by the States prior to, or developed after, the date of enactment of this Act. The Secretary shall determine the minimum data elements that each State receiving funds under this subpart shall collect and maintain. Such minimum data elements may 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 section 1111(b)(2);

''(iii) other academic information essential to ensuring that migratory children achieve to the States's academic standards; and

''(iv) eligibility for services under the Individuals with Disabilities Education Act.

''(B) The Secretary shall consult with States before updating the data elements that each State receiving funds under this subpart shall be required to collect for purposes of electronic transfer of migratory student information and the requirements that States shall meet for immediate electronic access to such information.

''(3) NO COST FOR CERTAIN TRANSFERS.—A State educational agency or local educational agency receiving assistance under this subpart shall make student records available to another State educational agency or local educational agency that requests the records at no cost to the requesting agency, if the request is made in order to meet the needs of a migratory child.

''(4) REPORT TO CONGRESS.—

''(A) IN GENERAL.—Not later than April 30, 2014, 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 the maintenance and transfer of health and educational information for migratory students by the States.

''(B) REQUIRED CONTENTS.—The Secretary shall include in such report—

''(i) a review of the progress of States in developing and linking electronic records transfer systems;

''(ii) recommendations for maintaining such systems; and

''(iii) recommendations for improving the continuity of services provided for migratory students.

''(c) AVAILABILITY OF FUNDS.—The Secretary shall reserve not more than $10,000,000 of the amount reserved under section 1132 to carry out this section for each fiscal year.

''(d) DATA COLLECTION.—The Secretary shall direct the National Center for Education Statistics to collect data on migratory children.

''SEC. 1139. DEFINITIONS.

''As used in this subpart:

''(1) LOCAL OPERATING AGENCY.—The term 'local operating agency' means—

''(A) a local educational agency to which a State educational agency makes a subgrant under this subpart;

''(B) a public or private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this subpart; or

''(C) a State educational agency, if the State educational agency operates the State's migratory education program or projects directly.

''(2) MIGRATORY CHILD.—The term 'migratory child' means a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work—

''(A) has moved from one school district to another;

''(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

''(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

''Subpart 3—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk

''SEC. 1141. PURPOSE AND PROGRAM AUTHORIZATION.

''(a) PURPOSE.—It is the purpose of this subpart—

''(1) to improve educational services for children and youth 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 State academic 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 children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education.

''(b) PROGRAM AUTHORIZED.—From amounts appropriated under section 3(a)(1), the Secretary shall reserve 0.305 of one percent to carry out this subpart.

''(c) GRANTS AWARDED.—From the amounts reserved under subsection (b) and not reserved under section 1004 and section 1159, the Secretary shall make grants to State educational agencies that have plans submitted under section 1154 approved to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected, delinquent, or at-risk children and youth.

''SEC. 1142. PAYMENTS FOR PROGRAMS UNDER THIS SUBPART.

''(a) AGENCY SUBGRANTS.—Based on the allocation amount computed under section 1152, the Secretary shall allocate to each State educational agency an amount necessary to make subgrants to State agencies under chapter A.

''(b) LOCAL SUBGRANTS.—Each State shall retain, for the purpose of carrying out chapter B, funds generated throughout the State under subpart 1 of this part based on children and youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

''CHAPTER A—STATE AGENCY PROGRAMS

''SEC. 1151. ELIGIBILITY.

''A State agency is eligible for assistance under this chapter if such State agency is responsible for providing free public education for children and youth—

''(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. 1152. ALLOCATION OF FUNDS.

''(a) SUBGRANTS TO STATE AGENCIES.—

''(1) IN GENERAL.—Each State agency described in section 1151 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this chapter, for each fiscal year, in an amount equal to the product of—

''(A) the number of neglected or delinquent children and youth described in section 1151 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.—

''(1) IN GENERAL.—For each fiscal year, the amount of the subgrant which a State agency in the Commonwealth of Puerto Rico shall be eligible to receive under this chapter shall be the amount determined by multiplying the number of children counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—

''(A) the percentage which the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

''(B) 32 percent of the average per-pupil expenditure in the United States.

''(2) MINIMUM PERCENTAGE.—The percentage in paragraph (1)(A) shall not be less than 85 percent.

''(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount reserved 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. 1153. 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 chapter 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 chapter, in such amounts as the State educational agency shall determine.

''SEC. 1154. STATE PLAN AND STATE AGENCY APPLICATIONS.

''(a) STATE PLAN.—

''(1) IN GENERAL.—Each State educational agency that desires to receive a grant under this chapter shall submit, for approval by the Secretary, a plan—

''(A) for meeting the educational needs of neglected, delinquent, and at-risk children and youth;

''(B) for assisting in the transition of children and youth from correctional facilities to locally operated programs; and

''(C) that is integrated with other programs under this Act or other Acts, as appropriate.

''(2) CONTENTS.—Each such State plan shall—

''(A) describe how the State will assess the effectiveness of the program in improving the academic, career, and technical skills of children in the program;

''(B) provide that, to the extent feasible, such children will have the same opportunities to achieve as such children would have if such children were in the schools of local educational agencies in the State;

''(C) describe how the State will place a priority for such children to obtain a regular high school diploma, to the extent feasible; and

''(D) contain an assurance that the State educational agency will—

''(i) ensure that programs assisted under this chapter will be carried out in accordance with the State plan described in this subsection;

''(ii) carry out the evaluation requirements of section 1171; and

''(iii) ensure that the State agencies receiving subgrants under this chapter comply with all applicable statutory and regulatory requirements.

''(3) DURATION OF THE PLAN.—Each such State plan shall—

''(A) remain in effect for the duration of the State's participation under this chapter; and

''(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this chapter.

''(b) SECRETARIAL APPROVAL AND PEER REVIEW.—

''(1) SECRETARIAL APPROVAL.—The Secretary shall approve each State plan that meets the requirements of this chapter.

''(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 under this chapter;

''(2) provide an assurance that in making services available to children and youth in adult correctional institutions, priority will be given to such children and 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 1156 are of high quality;

''(6) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of Public Law 105–220, career and technical education programs, State and local dropout prevention programs, and special education programs;

''(7) describes how the State agency will encourage correctional facilities receiving funds under this chapter to coordinate with local educational agencies or alternative education programs attended by incarcerated children and youth prior to and after their incarceration to ensure that student assessments and appropriate academic records are shared jointly between the correctional facility and the local educational agency or alternative education program;

''(8) describes how appropriate professional development will be provided to teachers and other staff;

''(9) designates an individual in each affected correctional facility or institution for neglected or delinquent children and youth to be responsible for issues relating to the transition of such children and youth from such facility or institution to locally operated programs;

''(10) describes how the State agency will endeavor to coordinate with businesses for training and mentoring for participating children and youth;

''(11) provides an assurance that the State agency will assist in locating alternative programs through which students can continue their education if the students are not returning to school after leaving the correctional facility or institution for neglected or delinquent children and youth;

''(12) provides assurances that the State agency will work with parents to secure parents' assistance in improving the educational achievement of their children and youth, and preventing their children's and youth's further involvement in delinquent activities;

''(13) provides an assurance that the State agency will work with children and youth with disabilities in order to meet an existing individualized education program and an assurance that the agency will notify the child's or youth's local school if the child or youth—

''(A) is identified as in need of special education services while the child or youth is in the correctional facility or institution for neglected or delinquent children and youth; and

''(B) intends to return to the local school;

''(14) provides an assurance that the State agency will work with children and youth who dropped out of school before entering the correctional facility or institution for neglected or delinquent children and youth to encourage the children and youth to reenter school and obtain a regular high school diploma once the term of the incarceration is completed, or provide the child or youth with the skills necessary to gain employment, continue the education of the child or youth, or obtain a regular high school diploma or its recognized equivalent if the child or youth does not intend to return to school;

''(15) provides an assurance that effective teachers and other qualified staff are trained to work with children and youth with disabilities and other students with special needs taking into consideration the unique needs of such students;

''(16) describes any additional services to be provided to children and youth, such as career counseling, distance education, and assistance in securing student loans and grants; and

''(17) provides an assurance that the program under this chapter will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) or other comparable programs, if applicable.

''SEC. 1155. 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 1154(a); and

''(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, career and technical education, further education, or employment without the need for remediation.

''(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 1156, are provided to children and youth identified by the State agency as failing, or most at-risk of failing, to meet the State's academic 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 meet State academic standards; and

''(C) shall be carried out in a manner consistent with section 1120A and part C (as applied to programs and projects under this chapter).

''(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 (as applied to this chapter) without regard to the subject areas in which instruction is given during those hours.

''SEC. 1156. 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 and youth may use funds received under this chapter 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 children and youth in the institution or program serving juveniles;

''(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a 2-year period;

''(3) describes the steps the State agency has taken, or will take, to provide all children and youth under age 21 with the opportunity to meet State academic standards in order to improve the likelihood that the children and youth will complete secondary school, obtain a regular high school diploma or its recognized equivalent, or find employment after leaving the institution;

''(4) describes the instructional program, specialized instructional support 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 the children and youth described in paragraph (1);

''(5) specifically describes how such funds will be used;

''(6) describes the measures and procedures that will be used to assess and improve student achievement;

''(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 youth, and with 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. 1157. THREE-YEAR PROGRAMS OR PROJECTS.

''If a State agency operates a program or project under this chapter in which individual children or youth 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 chapter for a period of not more than 3 years.

''SEC. 1158. TRANSITION SERVICES.

''(a) TRANSITION SERVICES.—Each State agency shall reserve not less than 15 percent and not more than 30 percent of the amount such agency receives under this chapter for any fiscal year to support—

''(1) projects that facilitate the transition of children and youth from State-operated institutions to schools served by local educational agencies; or

''(2) the successful re-entry of youth offenders, who are age 20 or younger and have received a regular high school diploma or its recognized equivalent, into postsecondary education, or career and technical training programs, through strategies designed to expose the youth to, and prepare the youth for, postsecondary education, or career and technical training programs, such as—

''(A) preplacement programs that allow adjudicated or incarcerated youth to audit or attend courses on college, university, or community college campuses, or through programs provided in institutional settings;

''(B) worksite schools, in which institutions of higher education and private or public employers partner to create programs to help students make a successful transition to postsecondary education and employment; and

''(C) essential support services to ensure the success of the youth, such as—

''(i) personal, career and technical, and academic counseling;

''(ii) placement services designed to place the youth in a university, college, or junior college program;

''(iii) information concerning, and assistance in obtaining, available student financial aid;

''(iv) counseling services; and

''(v) job placement services.

''(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 organizations.

''(c) RULE OF 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.

''SEC. 1159. TECHNICAL ASSISTANCE.

''The Secretary shall reserve not more than 1 percent of the amount reserved under section 1141 to provide technical assistance to and support State agency programs assisted under this chapter.

''CHAPTER B—LOCAL AGENCY PROGRAMS

''SEC. 1161. PURPOSE.

''The purpose of this chapter is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities—

''(1) to carry out high quality education programs to prepare children and youth for secondary school completion, training, employment, or further education;

''(2) to provide activities to facilitate the transition of such children and youth from the correctional program to further education or employment; and

''(3) to operate programs in local schools for children and youth returning from correctional facilities, and programs which may serve at-risk children and youth.

''SEC. 1162. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

''(a) LOCAL SUBGRANTS.—With funds made available under section 1142(b), the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of children and youth residing in locally operated (including county operated) correctional facilities for children and youth (including facilities involved in community day programs).

''(b) SPECIAL RULE.—A local educational agency that serves a school operated by a correctional facility is not required to operate a program of support for children and youth returning from such school to a school that is not operated by a correctional agency but served by such local educational agency, if more than 30 percent of the children and youth attending the school operated by the correctional facility will reside outside the boundaries served by the local educational agency after 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.

''(d) TRANSITIONAL AND ACADEMIC SERVICES.—Transitional and supportive programs operated in local educational agencies under this chapter shall be designed primarily to meet the transitional and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities. Services to students at-risk of dropping out of school shall not have a negative impact on meeting the transitional and academic needs of the students returning from correctional facilities.

''SEC. 1163. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

''Each local educational agency desiring assistance under this chapter shall submit an application to the State educational agency that contains 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, regarding the program to be assisted, between—

''(A) the local educational agency; and

''(B) correctional facilities and alternative school programs serving children and youth involved with the juvenile justice system;

''(3) as appropriate, a description of how participating schools will coordinate with facilities working with delinquent children and youth to ensure that such children and youth are participating in an education program comparable to one operating in the local school such youth would attend;

''(4) a description of the program operated by participating schools for children and youth returning from correctional facilities and, as appropriate, the types of services that such schools will provide such children and youth and other at-risk children and youth;

''(5) a description of the characteristics (including learning difficulties, substance abuse problems, and other needs) of the children and youth who will be returning from correctional facilities and, as appropriate, other at-risk children and youth expected to be served by the program, and a description of how the school will coordinate existing educational programs to meet the unique educational needs of such children and youth;

''(6) as appropriate, a description of how schools will coordinate with existing social, health, and other services to meet the needs of students returning from correctional facilities and at-risk children or youth, including prenatal health care and nutrition services related to the health of the parent and the child or youth, parenting and child development classes, child care, targeted reentry and outreach programs, referrals to community resources, and scheduling flexibility;

''(7) as appropriate, a description of any partnerships with local businesses to develop training, curriculum-based youth entrepreneurship education, 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 Public Law 105–220 and career and technical education programs serving at-risk children and 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 children and youth returning from correctional facilities;

''(12) a description of the efforts participating schools will make to ensure correctional facilities working with children and youth are aware of a child's or youth's existing individualized education program; and

''(13) as appropriate, a description of the steps participating schools will take to find alternative placements for children and youth interested in continuing their education but unable to participate in a traditional public school program.

''SEC. 1164. USES OF FUNDS.

''Funds provided to local educational agencies under this chapter may be used, as appropriate, for—

''(1) programs that serve children and youth returning to local schools from correctional facilities, to assist in the transition of such children and youth to the school environment and help them remain in school in order to complete their education;

''(2) dropout prevention programs which serve at-risk children and youth;

''(3) the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care, drug and alcohol counseling, and

mental health services, will improve the likelihood such individuals will complete their education;

''(4) special programs to meet the unique academic needs of participating children and youth, including career and technical education, special education, career counseling, curriculum-based youth entrepreneurship education, and assistance in securing student loans or grants for postsecondary education; and

''(5) programs providing mentoring and peer mediation.

''SEC. 1165. PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.

''Each correctional facility entering into an agreement with a local educational agency under section 1163(2) to provide services to children and youth under this chapter shall—

''(1) where feasible, ensure that educational programs in the correctional facility are coordinated with the student's home school, particularly with respect to a student with an individualized education program under part B of the Individuals with Disabilities Education Act;

''(2) if the child or youth is identified as in need of special education services while in the correctional facility, notify the local school of the child or youth of such need;

''(3) where feasible, provide transition assistance to help the child or 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 that encourage children and youth who have dropped out of school to re-enter school and obtain a regular high school diploma once their term at the correctional facility has been completed, or provide such children and youth with the skills necessary to gain employment or seek a regular high school diploma or its recognized equivalent;

''(5) work to ensure that the correctional facility is staffed with effective teachers and other qualified staff who are trained to work with children and youth with disabilities taking into consideration the unique needs of such children and youth;

''(6) ensure that educational programs in the correctional facility are related to assisting students to meet the States's academic standards;

''(7) to the extent possible, use technology to assist in coordinating educational programs between the correctional 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 chapter with other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of Public Law 105–220, and career and technical 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;

''(11) if appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth; and

''(12) consult with the local educational agency for a period jointly determined necessary by the correctional facility and local educational agency upon discharge from that facility to coordinate educational services so as to minimize disruption to the child's or youth's achievement.

''SEC. 1166. ACCOUNTABILITY.

''The State educational agency—

''(1) may require correctional facilities or institutions for neglected or delinquent children and youth to demonstrate, after receiving assistance under this chapter for 3 years, that there has been an increase in the number of children and youth returning to school, obtaining a regular high school diploma or its recognized equivalent, or obtaining employment after such children and youth are released; and

''(2) may reduce or terminate funding for projects under this chapter if a local educational agency does not show progress in the number of children and youth obtaining a regular high school diploma or its recognized equivalent.

''CHAPTER C—GENERAL PROVISIONS

''SEC. 1171. PROGRAM EVALUATIONS.

''(a) SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under chapters A or B shall evaluate the program, disaggregating data on participation by gender, race, ethnicity, and age, not less than once every 3 years, to determine the program's impact on the ability of participants—

''(1) to maintain and improve educational achievement;

''(2) to accrue school credits that meet State requirements for grade promotion and high school graduation;

''(3) to make the transition to a regular program or other education program operated by a local educational agency;

''(4) to complete high school (or high school equivalency requirements) and obtain employment after leaving the correctional facility or institution for neglected or delinquent children and youth; and

''(5) as appropriate, to participate in postsecondary education and job training programs.

''(b) EXCEPTION.—The disaggregation required under subsection (a) 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 personally identifiable information about an individual student.

''(c) 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.

''(d) EVALUATION RESULTS.—Each State agency and local educational agency shall—

''(1) submit evaluation results to the State educational agency and the Secretary; and

''(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

''SEC. 1172. DEFINITIONS.

''In this subpart:

''(1) ADULT CORRECTIONAL INSTITUTION.—The term 'adult correctional institution' means a facility in which persons (including persons under 21 years of age) are confined as a result of a conviction for a criminal offense.

''(2) AT-RISK.—The term 'at-risk', when used with respect to a child, youth, or student, means a school-aged individual who—

''(A) is at-risk of academic failure; and

''(B) has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system in the past, is at least 1 year behind the expected grade level for the age of the individual, is an English learner, is a gang member, has dropped out of school in the past, or has a high absenteeism rate 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.

''Subpart 4—English Language Acquisition, Language Enhancement, and Academic Achievement

''SEC. 1181. PURPOSES.

''The purposes of this subpart are—

''(1) to help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English;

''(2) to assist all English learners, including immigrant children and youth, to achieve at high levels in the core academic subjects so that those children can meet the same State academic standards that all children are expected to meet, consistent with section 1111(b)(1);

''(3) to assist State educational agencies, local educational agencies, and schools in establishing, implementing, and sustaining high-quality, flexible, evidence-based language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth;

''(4) to assist State educational agencies and local educational agencies to develop and enhance their capacity to provide high-quality, evidence-based instructional programs designed to prepare English learners, including immigrant children and youth, to enter all-English instruction settings; and

''(5) to promote parental and community participation in language instruction educational programs for the parents and communities of English learners.

''CHAPTER A—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION AND LANGUAGE ENHANCEMENT

''SEC. 1191. FORMULA GRANTS TO STATES.

''(a) IN GENERAL.—In the case of each State educational agency having a plan approved by the Secretary for a fiscal year under section 1192, the Secretary shall reserve 4.4 percent of funds appropriated under section 3(a)(1) to make a grant for the year to the agency for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State educational agency under subsection (c).

''(b) USE OF FUNDS.—

''(1) SUBGRANTS TO ELIGIBLE ENTITIES.—The Secretary may make a grant under subsection (a) only if the State educational agency involved agrees to expend at least 95 percent of the State educational agency's allotment under subsection (c) for a fiscal year—

''(A) to award subgrants, from allocations under section 1193, to eligible entities to carry out the activities described in section 1194 (other than subsection (e)); and

''(B) to award subgrants under section 1193(d)(1) to eligible entities that are described in that section to carry out the activities described in section 1194(e).

''(2) STATE ACTIVITIES.—Subject to paragraph (3), each State educational agency receiving a grant under subsection (a) may reserve not more than 5 percent of the agency's allotment under subsection (c) to carry out the following activities:

''(A) Professional development activities, and other activities, which may include assisting personnel in—

''(i) meeting State and local certification and licensing requirements for teaching English learners; and

''(ii) improving teacher skills in meeting the diverse needs of English learners, including in how to implement evidence-based programs and curricula on teaching English learners.

''(B) Planning, evaluation, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

''(C) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this chapter, including assistance in—

''(i) identifying and implementing evidence-based language instruction educational programs and curricula for teaching English learners;

''(ii) helping English learners meet the same State academic standards that all children are expected to meet;

''(iii) identifying or developing, and implementing, measures of English proficiency; and

''(iv) strengthening and increasing parent, family, and community engagement.

''(D) Providing recognition, which may include providing financial awards, to subgrantees that have significantly improved the achievement and progress of English learners in—

''(i) reaching English language proficiency, based on the State's English language proficiency assessment under section 1111(b)(2)(D); and

''(ii) meeting the State academic standards under section 1111(b)(1).

''(3) ADMINISTRATIVE EXPENSES.—From the amount reserved under paragraph (2), a State educational agency may use not more than 40 percent of such amount or $175,000, whichever is greater, for the planning and administrative costs of carrying out paragraphs (1) and (2).

''(c) RESERVATIONS AND ALLOTMENTS.—

''(1) RESERVATIONS.—From the amount reserved under section 1191(a) for each fiscal year, the Secretary shall reserve—

''(A) 0.5 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this chapter, as determined by the Secretary, for activities, approved by the Secretary, consistent with this chapter; and

''(B) 6.5 percent of such amount for national activities under sections 1211 and 1222, except that not more than $2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section 1222.

''(2) STATE ALLOTMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), from the amount reserved under section 1191(a) for each fiscal year that remains after making the reservations under paragraph (1), the Secretary shall allot to each State educational agency having a plan approved under section 1192(c)—

''(i) an amount that bears the same relationship to 80 percent of the remainder as the number of English learners in the State bears to the number of such children in all States, as determined by data available from the American Community Survey conducted by the Department of Commerce or State-reported data; and

''(ii) an amount that bears the same relationship to 20 percent of the remainder as the number of immigrant children and youth in the State bears to the number of such children and youth in all States, as determined based only on data available from the American Community Survey conducted by the Department of Commerce.

''(B) MINIMUM ALLOTMENTS.—No State educational agency shall receive an allotment under this paragraph that is less than $500,000.

''(C) REALLOTMENT.—If any State educational agency described in subparagraph (A) does not submit a plan to the Secretary for a fiscal year, or submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of this chapter, the Secretary shall reallot any portion of such allotment to the remaining State educational agencies in accordance with subparagraph (A).

''(D) SPECIAL RULE FOR PUERTO RICO.—The total amount allotted to Puerto Rico for any fiscal year under subparagraph (A) shall not exceed 0.5 percent of the total amount allotted to all States for that fiscal year.

''(3) USE OF DATA FOR DETERMINATIONS.—In making State allotments under paragraph (2) for each fiscal year, the Secretary shall determine the number of English learners in a State and in all States, using the most accurate, up-to-date data, which shall be—

''(A) data from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates;

''(B) the number of students being assessed for English language proficiency, based on the State's English language proficiency assessment under section 1111(b)(2)(D), which may be multiyear estimates; or

''(C) a combination of data available under subparagraphs (A) and (B).

''SEC. 1192. STATE EDUCATIONAL AGENCY PLANS.

''(a) PLAN REQUIRED.—Each State educational agency desiring a grant under this chapter shall submit a plan to the Secretary at such time and in such manner as the Secretary may require.

''(b) CONTENTS.—Each plan submitted under subsection (a) shall—

''(1) describe the process that the agency will use in awarding subgrants to eligible entities under section 1193(d)(1);

''(2) provide an assurance that—

''(A) the agency will ensure that eligible entities receiving a subgrant under this chapter comply with the requirement in section 1111(b)(2)(B)(x) to annually assess in English learners who have been in the United States for 3 or more consecutive years;

''(B) the agency will ensure that eligible entities receiving a subgrant under this chapter annually assess the English proficiency of all English learners participating in a program funded under this chapter, consistent with section 1111(b)(2)(D);

''(C) in awarding subgrants under section 1193, the agency will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools;

''(D) subgrants to eligible entities under section 1193(d)(1) will be of sufficient size and scope to allow such entities to carry out high-quality, evidence-based language instruction educational programs for English learners;

''(E) the agency will require an eligible entity receiving a subgrant under this chapter to use the subgrant in ways that will build such recipient's capacity to continue to offer high-quality evidence-based language instruction educational programs that assist English learners in meeting State academic standards;

''(F) the agency will monitor the eligible entity receiving a subgrant under this chapter for compliance with applicable Federal fiscal requirements; and

''(G) the plan has been developed in consultation with local educational agencies, teachers, administrators of programs implemented under this chapter, parents, and other relevant stakeholders;

''(3) describe how the agency will coordinate its programs and activities under this chapter with other programs and activities under this Act and other Acts, as appropriate;

''(4) describe how eligible entities in the State will be given the flexibility to teach English learners—

''(A) using a high-quality, evidence-based language instruction curriculum for teaching English learners; and

''(B) in the manner the eligible entities determine to be the most effective; and

''(5) describe how the agency will assist eligible entities in increasing the number of English learners who acquire English proficiency.

''(c) APPROVAL.—The Secretary, after using a peer review process, shall approve a plan submitted under subsection (a) if the plan meets the requirements of this section.

''(d) DURATION OF PLAN.—

''(1) IN GENERAL.—Each plan submitted by a State educational agency and approved under subsection (c) shall—

''(A) remain in effect for the duration of the agency's participation under this chapter; and

''(B) be periodically reviewed and revised by the agency, as necessary, to reflect changes to the agency's strategies and programs carried out under this subpart.

''(2) ADDITIONAL INFORMATION.—

''(A) AMENDMENTS.—If the State educational agency amends the plan, the agency shall submit such amendment to the Secretary.

''(B) APPROVAL.—The Secretary shall approve such amendment to an approved plan, unless the Secretary determines that the amendment will result in the agency not meeting the requirements, or fulfilling the purposes, of this subpart.

''(e) CONSOLIDATED PLAN.—A plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 5302.

''(f) SECRETARY ASSISTANCE.—The Secretary shall provide technical assistance, if requested, in the development of English proficiency standards and assessments.

''SEC. 1193. WITHIN-STATE ALLOCATIONS.

''(a) IN GENERAL.—After making the reservation required under subsection (d)(1), each State educational agency receiving a grant under section 1191(c)(2) shall award subgrants for a fiscal year by allocating in a timely manner to each eligible entity in the State having a plan approved under section 1195 an amount that bears the same relationship to the amount received under the grant and remaining after making such reservation as the population of English learners in schools served by the eligible entity bears to the population of English learners in schools served by all eligible entities in the State.

''(b) LIMITATION.—A State educational agency shall not award a subgrant from an allocation made under subsection (a) if the amount of such subgrant would be less than $10,000.

''(c) REALLOCATION.—Whenever a State educational agency determines that an amount from an allocation made to an eligible entity under subsection (a) for a fiscal year will not be used by the entity for the purpose for which the allocation was made, the agency shall, in accordance with such rules as it determines to be appropriate, reallocate such amount, consistent with such subsection, to other eligible entities in the State that the agency determines will use the amount to carry out that purpose.

''(d) REQUIRED RESERVATION.—A State educational agency receiving a grant under this chapter for a fiscal year—

''(1) shall reserve not more than 15 percent of the agency's allotment under section 1191(c)(2) to award subgrants to eligible entities in the State that have experienced a significant increase, as compared to the average of the 2 preceding fiscal years, in the percentage or number of immigrant children and youth, who have enrolled, during the fiscal year preceding the fiscal year for which the subgrant is made, in public and nonpublic elementary schools and secondary schools in the geographic areas under the jurisdiction of, or served by, such entities; and

''(2) in awarding subgrants under paragraph (1)—

''(A) shall equally consider eligible entities that satisfy the requirement of such paragraph but have limited or no experience in serving immigrant children and youth; and

''(B) shall consider the quality of each local plan under section 1195 and ensure that each subgrant is of sufficient size and scope to meet the purposes of this subpart.

''SEC. 1194. SUBGRANTS TO ELIGIBLE ENTITIES.

''(a) PURPOSES OF SUBGRANTS.—A State educational agency may make a subgrant to an eligible entity from funds received by the agency

under this chapter only if the entity agrees to expend the funds to improve the education of English learners, by assisting the children to learn English and meet State academic standards. In carrying out activities with such funds, the eligible entity shall use evidence-based approaches and methodologies for teaching English learners and immigrant children and youth for the following purposes:

''(1) Developing and implementing new language instruction educational programs and academic content instruction programs for English learners and immigrant children and youth, including programs of early childhood education, elementary school programs, and secondary school programs.

''(2) Carrying out highly focused, innovative, locally designed, evidence-based activities to expand or enhance existing language instruction educational programs and academic content instruction programs for English learners and immigrant children and youth.

''(3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

''(4) Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

''(b) ADMINISTRATIVE EXPENSES.—Each eligible entity receiving funds under section 1193(a) for a fiscal year shall use not more than 2 percent of such funds for the cost of administering this chapter.

''(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 1193(a) shall use the funds—

''(1) to increase the English language proficiency of English learners by providing high-quality, evidence-based language instruction educational programs that meet the needs of English learners and have demonstrated success in increasing—

''(A) English language proficiency; and

''(B) student academic achievement in the core academic subjects;

''(2) to provide high-quality, evidence-based professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), school leaders, administrators, and other school or community-based organization personnel, that is—

''(A) designed to improve the instruction and assessment of English learners;

''(B) designed to enhance the ability of teachers and school leaders to understand and implement curricula, assessment practices and measures, and instruction strategies for English learners;

''(C) evidence-based in increasing children's English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of teachers; and

''(D) of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate; and

''(3) to provide and implement other evidence-based activities and strategies that enhance or supplement language instruction educational programs for English learners, including parental and community engagement activities and strategies that serve to coordinate and align related programs.

''(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Subject to subsection (c), an eligible entity receiving funds under section 1193(a) may use the funds to achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities:

''(1) Upgrading program objectives and effective instruction strategies.

''(2) Improving the instruction program for English learners by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

''(3) Providing to English learners—

''(A) tutorials and academic or career education for English learners; and

''(B) intensified instruction.

''(4) Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

''(5) Improving the English language proficiency and academic achievement of English learners.

''(6) Providing community participation programs, family literacy services, and parent outreach and training activities to English learners and their families—

''(A) to improve the English language skills of English learners; and

''(B) to assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children.

''(7) Improving the instruction of English learners by providing for—

''(A) the acquisition or development of educational technology or instructional materials;

''(B) access to, and participation in, electronic networks for materials, training, and communication; and

''(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this chapter.

''(8) Carrying out other activities that are consistent with the purposes of this section.

''(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—

''(1) IN GENERAL.—An eligible entity receiving funds under section 1193(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

''(A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

''(B) support for personnel, including paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

''(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

''(D) identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded funds;

''(E) basic instruction services that are directly attributable to the presence in the local educational agency involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;

''(F) other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

''(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

''(2) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State educational agency under section 1193(d)(1) shall be determined by the agency in its discretion.

''(f) SELECTION OF METHOD OF INSTRUCTION.—

''(1) IN GENERAL.—To receive a subgrant from a State educational agency under this chapter, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities undertaken by the entity to assist English learners to attain English language proficiency and meet State academic standards.

''(2) CONSISTENCY.—Such selection shall be consistent with sections 1204 through 1206.

''(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this chapter shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

''SEC. 1195. LOCAL PLANS.

''(a) PLAN REQUIRED.—Each eligible entity desiring a subgrant from the State educational agency under section 1193 shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

''(b) CONTENTS.—Each plan submitted under subsection (a) shall—

''(1) describe the evidence-based programs and activities proposed to be developed, implemented, and administered under the subgrant that will help English learners increase their English language proficiency and meet the State academic standards;

''(2) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this chapter accountable for annually assessing the English language proficiency of all children participating under this subpart, consistent with section 1111(b);

''(3) describe how the eligible entity will promote parent and community engagement in the education of English learners;

''(4) contain an assurance that the eligible entity consulted with teachers, researchers, school administrators, parents and community members, public or private organizations, and institutions of higher education, in developing and implementing such plan;

''(5) describe how language instruction educational programs carried out under the subgrant will ensure that English learners being served by the programs develop English language proficiency; and

''(6) contain assurances that—

''(A) each local educational agency that is included in the eligible entity is complying with section 1112(g) prior to, and throughout, each school year; and

''(B) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of English learners, consistent with sections 1205 and 1206.

''(c) TEACHER ENGLISH FLUENCY.—Each eligible entity receiving a subgrant under section 1193 shall include in its plan a certification that all teachers in any language instruction educational program for English learners that is, or will be, funded under this subpart are fluent in English and any other language used for instruction, including having written and oral communications skills.

''CHAPTER B—ADMINISTRATION

''SEC. 1201. REPORTING.

''(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State educational

agency under chapter A shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with a report, in a form prescribed by the agency, on the activities conducted and students served under this subpart that includes—

''(1) a description of the programs and activities conducted by the entity with funds received under chapter A during the two immediately preceding fiscal years, including how such programs and activities supplemented programs funded primarily with State or local funds;

''(2) a description of the progress made by English learners in learning the English language and in meeting State academic standards;

''(3) the number and percentage of English learners in the programs and activities attaining English language proficiency based on the State English language proficiency standards established under section 1111(b)(1)(E) by the end of each school year, as determined by the State's English language proficiency assessment under section 1111(b)(2)(D);

''(4) the number of English learners who exit the language instruction educational programs based on their attainment of English language proficiency and transitioned to classrooms not tailored for English learners;

''(5) a description of the progress made by English learners in meeting the State academic standards for each of the 2 years after such children are no longer receiving services under this subpart;

''(6) the number and percentage of English learners who have not attained English language proficiency within five years of initial classification as an English learner and first enrollment in the local educational agency; and

''(7) any such other information as the State educational agency may require.

''(b) USE OF REPORT.—A report provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency—

''(1) to determine the effectiveness of programs and activities in assisting children who are English learners—

''(A) to attain English language proficiency; and

''(B) to make progress in meeting State academic standards under section 1111(b)(1); and

''(2) upon determining the effectiveness of programs and activities based on the criteria in paragraph (1), to decide how to improve programs.

''SEC. 1202. ANNUAL REPORT.

''(a) STATES.—Based upon the reports provided to a State educational agency under section 1201, each such agency that receives a grant under this subpart shall prepare and submit annually to the Secretary a report on programs and activities carried out by the State educational agency under this subpart and the effectiveness of such programs and activities in improving the education provided to English learners.

''(b) SECRETARY.—Annually, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

''(1) on programs and activities carried out to serve English learners under this subpart, and the effectiveness of such programs and activities in improving the academic achievement and English language proficiency of English learners;

''(2) on the types of language instruction educational programs used by local educational agencies or eligible entities receiving funding under this subpart to teach English learners;

''(3) containing a critical synthesis of data reported by eligible entities to States under section 1201(a);

''(4) containing a description of technical assistance and other assistance provided by State educational agencies under section 1191(b)(2)(C);

''(5) containing an estimate of the number of effective teachers working in language instruction educational programs and educating English learners, and an estimate of the number of such teachers that will be needed for the succeeding 5 fiscal years;

''(6) containing the number of programs or activities, if any, that were terminated because the entities carrying out the programs or activities were not able to reach program goals;

''(7) containing the number of English learners served by eligible entities receiving funding under this subpart who were transitioned out of language instruction educational programs funded under this subpart into classrooms where instruction is not tailored for English learners; and

''(8) containing other information gathered from other reports submitted to the Secretary under this subpart when applicable.

''SEC. 1203. COORDINATION WITH RELATED PROGRAMS.

''In order to maximize Federal efforts aimed at serving the educational needs of English learners, the Secretary shall coordinate and ensure close cooperation with other entities carrying out programs serving language-minority and English learners that are administered by the Department and other agencies.

''SEC. 1204. RULES OF CONSTRUCTION.

''Nothing in this subpart shall be construed—

''(1) to prohibit a local educational agency from serving English learners simultaneously with children with similar educational needs, in the same educational settings where appropriate;

''(2) to require a State or a local educational agency to establish, continue, or eliminate any particular type of instructional program for English learners; or

''(3) to limit the preservation or use of Native American languages.

''SEC. 1205. LEGAL AUTHORITY UNDER STATE LAW.

''Nothing in this subpart shall be construed to negate or supersede State law, or the legal authority under State law of any State agency, State entity, or State public official, over programs that are under the jurisdiction of the State agency, entity, or official.

''SEC. 1206. CIVIL RIGHTS.

''Nothing in this subpart shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

''SEC. 1207. PROHIBITION.

''In carrying out this subpart, the Secretary shall neither mandate nor preclude the use of a particular curricular or pedagogical approach to educating English learners.

''SEC. 1208. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

''Notwithstanding any other provision of this subpart, programs authorized under this subpart that serve Native American (including Native American Pacific Islander) children and children in the Commonwealth of Puerto Rico may include programs of instruction, teacher training, curriculum development, evaluation, and assessment designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that an outcome of programs serving such children shall be increased English proficiency among such children.

''CHAPTER C—NATIONAL ACTIVITIES

''SEC. 1211. NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.

''The Secretary shall use funds made available under section 1191(c)(1)(B) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education or public or private organizations with relevant experience and capacity (in consortia with State educational agencies or local educational agencies) to provide for professional development activities that will improve classroom instruction for English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve English learners. Grants awarded under this subsection may be used—

''(1) for preservice, evidence-based professional development programs that will assist local schools and institutions of higher education to upgrade the qualifications and skills of educational personnel who are not certified or licensed, especially educational paraprofessionals;

''(2) for the development of curricula or other instructional strategies appropriate to the needs of the consortia participants involved;

''(3) to support strategies that strengthen and increase parent and community member engagement in the education of English learners; and

''(4) to share and disseminate evidence-based practices in the instruction of English learners and in increasing their student achievement.

''CHAPTER D—GENERAL PROVISIONS

''SEC. 1221. DEFINITIONS.

''Except as otherwise provided, in this subpart:

''(1) CHILD.—The term 'child' means any individual aged 3 through 21.

''(2) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization of demonstrated effectiveness, Indian tribe, or tribally sanctioned educational authority, that is representative of a community or significant segments of a community and that provides educational or related services to individuals in the community. Such term includes a Native Hawaiian or Native American Pacific Islander native language educational organization.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) one or more local educational agencies; or

''(B) one or more local educational agencies, in consortia (or collaboration) with an institution of higher education, community-based organization, or State educational agency.

''(4) IMMIGRANT CHILDREN AND YOUTH.—The term 'immigrant children and youth' means individuals who—

''(A) are age 3 through 21;

''(B) were not born in any State; and

''(C) have not been attending one or more schools in any one or more States for more than 3 full academic years.

''(5) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Native village or 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.

''(6) LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM.—The term 'language instruction educational program' means an instruction course—

''(A) in which an English learner is placed for the purpose of developing and attaining English language proficiency, while meeting State academic standards, as required by section 1111(b)(1); and

''(B) that may make instructional use of both English and a child's native language to enable the child to develop and attain English language proficiency, and may include the participation of English language proficient children if such course is designed to enable all participating children to become proficient in English and a second language.

''(7) NATIVE LANGUAGE.—The term 'native language', when used with reference to English learner, means—

''(A) the language normally used by such individual; or

''(B) in the case of a child or youth, the language normally used by the parents of the child or youth.

''(8) PARAPROFESSIONAL.—The term 'paraprofessional' means an individual who is employed in a preschool, elementary school, or secondary school under the supervision of a certified or licensed teacher, including individuals employed in language instruction educational programs, special education, and migratory education.

''(9) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''SEC. 1222. NATIONAL CLEARINGHOUSE.

''The Secretary shall establish and support the operation of a National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall collect, analyze, synthesize, and disseminate information about language instruction educational programs for English learners, and related programs. The National Clearinghouse shall—

''(1) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system supported by the Institute of Education Sciences;

''(2) coordinate activities with Federal data and information clearinghouses and entities operating Federal dissemination networks and systems;

''(3) develop a system for improving the operation and effectiveness of federally funded language instruction educational programs; and

''(4) collect and disseminate information on—

''(A) educational research and processes related to the education of English learners; and

''(B) accountability systems that monitor the academic progress of English learners in language instruction educational programs, including information on academic content and English language proficiency assessments for language instruction educational programs; and

''(5) publish, on an annual basis, a list of grant recipients under this subpart.

''SEC. 1223. REGULATIONS.

''In developing regulations under this subpart, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing English learners, and organizations representing teachers and other personnel involved in the education of English learners.

''Subpart 5—Rural Education Achievement Program

''SEC. 1230. PURPOSE.

''It is the purpose of this subpart to address the unique needs of rural school districts that frequently—

''(1) lack the personnel and resources needed to compete effectively for Federal competitive grants; and

''(2) receive formula grant allocations in amounts too small to be effective in meeting their intended purposes.

''CHAPTER A—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM

''SEC. 1231. GRANT PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From amounts appropriated under section 3(a)(1) for a fiscal year, the Secretary shall reserve 0.54 of one percent to award grants to eligible local educational agencies to enable the local educational agencies to carry out activities authorized under any of the following provisions:

''(1) Part A of title I.

''(2) Title II.

''(3) Title III.

''(b) ALLOCATION.—

''(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall award a grant under subsection (a) to a local educational agency eligible under subsection (d) for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency in subpart 2 of part A of title II for the preceding fiscal year.

''(2) DETERMINATION OF INITIAL AMOUNT.—The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the initial amount may not exceed $60,000.

''(3) RATABLE ADJUSTMENT.—

''(A) IN GENERAL.—If the amount made available to carry out this section for any fiscal year is not sufficient to pay in full the amounts that local educational agencies are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

''(B) ADDITIONAL AMOUNTS.—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.

''(c) DISBURSEMENT.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that fiscal year.

''(d) ELIGIBILITY.—

''(1) IN GENERAL.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

''(A)(i)(I) the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or

''(II) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile; and

''(ii) all of the schools served by the local educational agency are designated with a school locale code of 41, 42, or 43, as determined by the Secretary; or

''(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii).

''(2) CERTIFICATION.—The Secretary shall determine whether to waive the criteria described in paragraph (1)(A)(ii) based on a demonstration by the local educational agency, and concurrence by the State educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

''(3) HOLD HARMLESS.—For a local educational agency that is not eligible under this chapter but met the eligibility requirements under this subsection as it was in effect prior to the date of the enactment of the Student Success Act, the agency shall receive—

''(A) for fiscal year 2014, 75 percent of the amount such agency received for fiscal year 2013;

''(B) for fiscal year 2015, 50 percent of the amount such agency received for fiscal year 2013; and

''(C) for fiscal year 2016, 25 percent of the amount such agency received for fiscal year 2013.

''(e) SPECIAL ELIGIBILITY RULE.—A local educational agency that receives a grant under this chapter for a fiscal year is not eligible to receive funds for such fiscal year under chapter B.

''CHAPTER B—RURAL AND LOW-INCOME SCHOOL PROGRAM

''SEC. 1235. PROGRAM AUTHORIZED.

''(a) GRANTS TO STATES.—

''(1) IN GENERAL.—From amounts appropriated under section 3(a)(1) for a fiscal year, the Secretary shall reserve 0.54 of one percent for this chapter for a fiscal year that are not reserved under subsection (c) to award grants (from allotments made under paragraph (2)) for the fiscal year to State educational agencies that have applications submitted under section 1237 approved to enable the State educational agencies to award grants to eligible local educational agencies for local authorized activities described in section 1236(a).

''(2) ALLOTMENT.—From amounts described in paragraph (1) for a fiscal year, the Secretary shall allot to each State educational agency for that fiscal year an amount that bears the same ratio to those amounts as the number of students in average daily attendance served by eligible local educational agencies in the State for that fiscal year bears to the number of all such students served by eligible local educational agencies in all States for that fiscal year.

''(3) SPECIALLY QUALIFIED AGENCIES.—

''(A) ELIGIBILITY AND APPLICATION.—If a State educational agency elects not to participate in the program under this subpart or does not have an application submitted under section 1237 approved, a specially qualified agency in such State desiring a grant under this subpart may submit an application under such section directly to the Secretary to receive an award under this subpart.

''(B) DIRECT AWARDS.—The Secretary may award, on a competitive basis or by formula, the amount the State educational agency is eligible to receive under paragraph (2) directly to a specially qualified agency in the State that has submitted an application in accordance with subparagraph (A) and obtained approval of the application.

''(C) SPECIALLY QUALIFIED AGENCY DEFINED.—In this subpart, the term 'specially qualified agency' means an eligible local educational agency served by a State educational agency that does not participate in a program under this subpart in a fiscal year, that may apply directly to the Secretary for a grant in such year under this subsection.

''(b) LOCAL AWARDS.—

''(1) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this subpart if—

''(A) 20 percent or more of the children ages 5 through 17 years served by the local educational agency are from families with incomes below the poverty line; and

''(B) all of the schools served by the agency are designated with a school locale code of 32, 33, 41, 42, 43, as determined by the Secretary.

''(2) AWARD BASIS.—A State educational agency shall award grants to eligible local educational agencies—

''(A) on a competitive basis;

''(B) according to a formula based on the number of students in average daily attendance served by the eligible local educational agencies or schools in the State; or

''(C) according to an alternative formula, if, prior to awarding the grants, the State educational agency demonstrates, to the satisfaction of the Secretary, that the alternative formula enables the State educational agency to allot the grant funds in a manner that serves equal or greater concentrations of children from families with incomes below the poverty line, relative to the concentrations that would be served if the State educational agency used the formula described in subparagraph (B).

''(c) RESERVATIONS.—From amounts reserved under section 1235(a)(1) for this chapter for a fiscal year, the Secretary shall reserve—

''(1) one-half of 1 percent to make awards to elementary schools or secondary schools operated or supported by the Bureau of Indian Education, to carry out the activities authorized under this chapter; and

''(2) one-half of 1 percent to make awards to the outlying areas in accordance with their respective needs, to carry out the activities authorized under this chapter.

''SEC. 1236. USES OF FUNDS.

''(a) LOCAL AWARDS.—Grant funds awarded to local educational agencies under this chapter

shall be used for activities authorized under any of the following:

''(1) Part A of title I.

''(2) Title II.

''(3) Title III.

''(b) ADMINISTRATIVE COSTS.—A State educational agency receiving a grant under this chapter may not use more than 5 percent of the amount of the grant for State administrative costs and to provide technical assistance to eligible local educational agencies.

''SEC. 1237. APPLICATIONS.

''(a) IN GENERAL.—Each State educational agency or specially qualified agency desiring to receive a grant under this chapter shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(b) CONTENTS.—Each application submitted under subsection (a) shall include—

''(1) a description of how the State educational agency or specially qualified agency will ensure eligible local educational agencies receiving a grant under this chapter will use such funds to help students meet the State academic standards under section 1111(b)(1);

''(2) if the State educational agency or specially qualified agency will competitively award grants to eligible local educational agencies, as described in section 1235(b)(2)(A), the application under the section shall include—

''(A) the methods and criteria the State educational agency or specially qualified agency will use for reviewing applications and awarding funds to local educational agencies on a competitive basis; and

''(B) how the State educational agency or specially qualified agency will notify eligible local educational agencies of the grant competition; and

''(3) a description of how the State educational agency or specially qualified agency will provide technical assistance to eligible local educational agencies to help such agencies implement the activities described in section 1236(a).

''SEC. 1238. ACCOUNTABILITY.

''Each State educational agency or specially qualified agency that receives a grant under this chapter shall prepare and submit an annual report to the Secretary. The report shall describe—

''(1) the methods and criteria the State educational agency or specially qualified agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this chapter;

''(2) how local educational agencies and schools used funds provided under this chapter; and

''(3) the degree to which progress has been made toward having all students meet the State academic standards under section 1111(b)(1).

''SEC. 1239. CHOICE OF PARTICIPATION.

''(a) IN GENERAL.—If a local educational agency is eligible for funding under chapters A and B of this subpart, such local educational agency may receive funds under either chapter A or chapter B for a fiscal year, but may not receive funds under both chapters.

''(b) NOTIFICATION.—A local educational agency eligible for both chapters A and B of this subpart shall notify the Secretary and the State educational agency under which of such chapters such local educational agency intends to receive funds for a fiscal year by a date that is established by the Secretary for the notification.

''CHAPTER C—GENERAL PROVISIONS

''SEC. 1241. ANNUAL AVERAGE DAILY ATTENDANCE DETERMINATION.

''(a) CENSUS DETERMINATION.—Each local educational agency desiring a grant under section 1231 and each local educational agency or specially qualified agency desiring a grant under chapter B shall—

''(1) not later than December 1 of each year, conduct a census to determine the number of students in average daily attendance in kindergarten through grade 12 at the schools served by the agency; and

''(2) not later than March 1 of each year, submit the number described in paragraph (1) to the Secretary (and to the State educational agency, in the case of a local educational agency seeking a grant under subpart 2).

''(b) PENALTY.—If the Secretary determines that a local educational agency or specially qualified agency has knowingly submitted false information under subsection (a) for the purpose of gaining additional funds under section 1231 or chapter B, then the agency shall be fined an amount equal to twice the difference between the amount the agency received under this section and the correct amount the agency would have received under section 1231 or chapter B if the agency had submitted accurate information under subsection (a).

''SEC. 1242. SUPPLEMENT, NOT SUPPLANT.

''Funds made available under chapter A or chapter B shall be used to supplement, and not supplant, any other Federal, State, or local education funds.

''SEC. 1243. RULE OF CONSTRUCTION.

''Nothing in this subpart shall be construed to prohibit a 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.

''Subpart 6—Indian Education

''SEC. 1251. STATEMENT OF POLICY.

''It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children. The Federal Government will continue to work with local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children.

''SEC. 1252. PURPOSE.

''It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

''(1) to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the State academic standards that all students are expected to meet; and

''(2) to ensure that school leaders, teachers, and other staff who serve Indian and Alaska Native students have the ability and training to provide appropriate instruction to meet the unique academic needs of such students.

''CHAPTER A—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

''SEC. 1261. PURPOSE.

''It is the purpose of this chapter 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 are designed to—

''(1) meet the unique educational needs of such students; and

''(2) ensure that such students have the opportunity to meet the State academic standards.

''SEC. 1262. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.

''(a) IN GENERAL.—From amounts appropriated under section 3(a)(1), the Secretary shall reserve 0.59 of one percent to local educational agencies and Indian tribes in accordance with this section and section 1263.

''(b) LOCAL EDUCATIONAL AGENCIES.—

''(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this chapter for any fiscal year if the number of Indian children eligible under section 1267 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, an Indian reservation.

''(c) INDIAN TRIBES.—

''(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this chapter does not establish a committee under section 1264(c)(4) for such grant, an Indian tribe or a consortium of such entities that represents not less than 1/3 of the eligible Indian children who are served by such local educational agency may apply for such grant.

''(2) SPECIAL RULE.—The Secretary shall treat each Indian tribe or consortium of such entities applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this chapter, except that any such tribe is not subject to section 1264(c)(4) or section 1269.

''(3) ELIGIBILITY.—If more than 1 Indian tribe qualifies to apply for a grant under paragraph (1), the entity that represents the most eligible Indian children who are served by the local educational agency shall be eligible to receive the grant or the tribes may choose to apply in consortium.

''SEC. 1263. AMOUNT OF GRANTS.

''(a) AMOUNT OF GRANT AWARDS.—

''(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency that has an approved application under this chapter an amount equal to the product of—

''(A) the number of Indian children who are eligible under section 1267 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 otherwise determined under this section in accordance with subsection (e).

''(b) MINIMUM GRANT.—

''(1) IN GENERAL.—Notwithstanding subsection (e), an entity that is eligible for a grant under section 1262, and a school that is operated or supported by the Bureau of Indian Education that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this chapter in an amount that is not less than $3,000.

''(2) CONSORTIA.—Local educational agencies may form a consortium with other local educational agencies or Indian tribes for the purpose of obtaining grants under this chapter.

''(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grantees if the Secretary determines such an increase is necessary to ensure the quality of the programs provided.

''(c) DEFINITION.—For the purpose of this section, the term 'average per pupil expenditure', used with respect to 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 for whom such agencies provided free public education during such preceding fiscal year.

''(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN EDUCATION.—

''(1) IN GENERAL.—Subject to subsection (e), in addition to the grants awarded under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

''(A) the total number of Indian children enrolled in schools that are operated by—

''(i) the Bureau of Indian Education; or

''(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act 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)(A) that wishes to receive an allocation under this chapter shall submit an application in accordance with section 1264, and shall otherwise be treated as a local educational agency for the purpose of this chapter, except that such school shall not be subject to section 1264(c)(4) or section 1269.

''(e) RATABLE REDUCTIONS.—If the sums reserved for any fiscal year under section 1262(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

''SEC. 1264. APPLICATIONS.

''(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this chapter shall submit an application to the Secretary at such time and in such manner 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 aligned with and supports the State and local plans submitted under other provisions of this Act; and

''(B) includes academic standards for such children that are based on the State academic standards adopted under subpart 1 for all children;

''(3) explains how the local educational agency will use the funds made available under this chapter to supplement other Federal, State, and local programs, especially programs carried out under subpart 1, to meet the needs of such students;

''(4) demonstrates how funds made available under this chapter will be used for activities described in section 1265;

''(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

''(A) teachers, school leaders, 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 chapter 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 chapter, in meeting the standards described in paragraph (2);

''(B) will provide the results of each assessment referred to in subparagraph (A) to—

''(i) the committee described in subsection (c)(4); and

''(ii) the community, including Indian tribes, whose children are 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); and

''(7) describes the processes the local educational agency used to collaborate with Indian tribes in the community in the development of the comprehensive programs.

''(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

''(1) the local educational agency will use funds received under this chapter only to supplement the funds that, in the absence of the Federal funds made available under this chapter, 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 as the Secretary may require to—

''(A) carry out the functions of the Secretary under this chapter; and

''(B) determine the extent to which activities carried out with funds provided to the local educational agency under this chapter 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;

''(ii) teachers in the schools; and

''(iii) 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 in accordance with section 1265(c), that has—

''(i) reviewed in a timely fashion the program; and

''(ii) determined that the program will not diminish 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. 1265. AUTHORIZED SERVICES AND ACTIVITIES.

''(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this chapter shall use the grant funds, in a manner consistent with the purpose specified in section 1261, 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 1264(a);

''(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 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 State academic standards;

''(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

''(5) programs that help engage parents and tribes to meet the unique educational needs of Indian children;

''(6) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Act of 2006;

''(7) activities to educate individuals concerning the prevention of substance abuse, violence, and suicide;

''(8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 1261;

''(9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

''(10) activities that incorporate American Indian and Alaska Native specific curriculum content, consistent with State academic standards into the curriculum used by the local educational agency;

''(11) family literacy services; and

''(12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors.

''(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this chapter to support a schoolwide program under section 1114 if—

''(1) the committee established pursuant to section 1264(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 1261.

''(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this chapter for any fiscal year may be used for administrative purposes.

''(e) LIMITATION ON USE OF FUNDS.—Funds provided to a grantee under this chapter may not be used for long-distance travel expenses for training activities available locally or regionally.

''SEC. 1266. INTEGRATION OF SERVICES AUTHORIZED.

''(a) PLAN.—An entity receiving funds under this chapter may submit a plan to the Secretary

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 entity, shall authorize the entity to consolidate, in accordance with such plan, the federally funded education and related services programs of the entity and the Federal programs, 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 (a) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved under any Federal program to exclusively serve Indian children, under which the entity is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services that would be used to serve 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 concerning authorizing the 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 chapter;

''(4) describe the way in which 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 agency or 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 entity believes need to be waived in order to implement the plan;

''(8) set forth measures for student academic achievement consistent with State academic standards under section 1111(b)(1); and

''(9) be approved by a committee formed in accordance with section 1264(c)(4), if such a committee exists.

''(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department 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 departmental regulations, policies, or procedures necessary to enable the entity to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the entity or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the objectives of this chapter or those 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 entity's plan by the Secretary, the Secretary shall inform the entity, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the entity 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.—The Secretary of Education, the Secretary of the Interior, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation and coordination of the demonstration projects authorized under this section. The lead agency head for a demonstration project under this section shall be—

''(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

''(2) the Secretary of Education, in the case of any other entity.

''(h) RESPONSIBILITIES OF LEAD AGENCY.—The responsibilities of the lead agency 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.—A single report format shall be developed by the Secretary, consistent with the requirements of this section. Such report format shall require that reports described in subsection (h), together with records maintained on the consolidated program at the local level, shall contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in its approved plan, including making a demonstration of student academic achievement, and will provide assurances to each Secretary that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

''(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.—Program funds for the consolidated programs shall be administered 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 granted 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 subpart shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

''(o) REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.—

''(1) IN GENERAL.—The Secretary of Education shall annually submit a report to the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate, and the Committee on Education and the Workforce and the Committee on Natural Resources of the House of Representatives on the status of the implementation of the demonstration projects authorized under this section.

''(2) CONTENTS.—Such report shall identify—

''(A) statutory barriers to the ability of participants to more effectively integrate their education and related services to Indian students in a manner consistent with the objectives of this section; and

''(B) the effective practices for program integration that result in increased student achievement and other relevant outcomes for Indian students.

''(p) DEFINITIONS.—For the purposes of this section, the term 'Secretary' means—

''(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

''(2) the Secretary of Education, in the case of any other entity.

''SEC. 1267. STUDENT ELIGIBILITY FORMS.

''(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this chapter, 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 chapter, and that otherwise meets the requirements of subsection (b).

''(b) FORMS.—The form described in subsection (a) shall include—

''(1) either—

''(A)(i) the name of the tribe or band of Indians (as defined in section 1291) 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

''(B) the name, the enrollment number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership data, of any parent or grandparent of the child from whom the child claims eligibility under this chapter, if the child is not a member of the tribe or band of Indians (as so defined);

''(2) 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;

''(3) the name and address of the parent or legal guardian of the child; and

''(4) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied.

''(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 1291.

''(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 1985–1986 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 chapter; 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 1263, 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 chapter, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this chapter. The sampling conducted under this subparagraph shall take into account the size of and the geographic location of each local educational 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 an 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 chapter shall—

''(A) be ineligible to apply for any other grant under this chapter; 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 under section 1263.

''(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—Notwithstanding any other provision of this section, in calculating the amount of a grant under this chapter to a tribal school that receives a grant or contract from the Bureau of Indian Education, the Secretary shall use only one of the following, as selected by the school:

''(1) A count of the number of students in the schools certified by the Bureau.

''(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 calculating the amount of a local educational agency's grant under this chapter (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 1264; 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. 1268. 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 chapter the amount determined under section 1263. 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 chapter 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 chapter 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) REALLOCATIONS.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this chapter, 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 chapter; or

''(2) otherwise become available for reallocation under this chapter.

''SEC. 1269. STATE EDUCATIONAL AGENCY REVIEW.

''Before submitting an application to the Secretary under section 1264, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, the agency shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

''CHAPTER B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

''SEC. 1271. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

''(a) PURPOSE.—

''(1) IN GENERAL.—It is the purpose of this section 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 the necessary actions to achieve the coordination of activities assisted under this chapter 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.—From amounts appropriated under section 3(a)(1), the Secretary shall reserve 0.2 of one percent to award grants to eligible entities to enable such entities to carry out activities under this section and section 1272.

''(2) USES OF FUNDS.—An eligible entity that receives a grant under this section shall use the funds for one or more activities, 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 one or more of the core academic subjects;

''(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 high 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 to postsecondary education;

''(I) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;

''(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;

''(K) family literacy services;

''(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; or

''(M) other services that meet the purpose described in this section.

''(3) PROFESSIONAL DEVELOPMENT.—Evidence based professional development of teaching professionals and paraprofessionals 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) for a period not to exceed 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 two or more of the activities described in subsection (c) over a period of more than 1 year.

''(C) PROGRESS.—The Secretary shall make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant 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 reasonably 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 an evidence-based program, which may include a program that has been modified to be culturally appropriate for students who will be served; and

''(iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over.

''(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this chapter for any fiscal year may be used for administrative purposes.

''SEC. 1272. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to increase the number of qualified Indian teachers, school leaders, or other education professionals serving Indian students, including through recruitment strategies;

''(2) to provide training to qualified Indian individuals to enable such individuals to become effective teachers, school leaders, 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.—For the purpose of this section, the term 'eligible entity' means—

''(1) an institution of higher education, including an Indian institution of higher education;

''(2) a State educational agency or local educational agency, in consortium with an institution of higher education;

''(3) an Indian tribe or organization, in consortium with an institution of higher education; and

''(4) a Bureau-funded school (as defined in section 1146 of the Education Amendments of 1978).

''(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants from funds reserved under section 1271(c)(1) to eligible entities having applications approved under this section to enable those entities to carry out the activities described in subsection (d).

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Grant funds under this section shall be used for activities to provide support and training for Indian individuals in a manner consistent with the purposes of this section.

''(2) SPECIAL RULES.—

''(A) TYPE OF TRAINING.—For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

''(B) PROGRAM.—For individuals who are being trained to enter any education-related field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

''(e) APPLICATION.—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 reasonably require. An application shall include how the eligible entity will—

''(1) recruit qualified Indian individuals, such as students who may not be of traditional college age, to become teachers or school leaders;

''(2) use funds made available under the grant to support the recruitment, preparation, and professional development of Indian teachers or school leaders in local educational agencies that serve a high proportion of Indian students; and

''(3) assist participants in meeting the requirements under subsection (h).

''(f) SPECIAL RULE.—In awarding grants under this section, the Secretary—

''(1) shall consider the prior performance of the eligible entity; and

''(2) may not limit eligibility to receive a grant under this section 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 under this section shall be awarded for an initial period of not more than three years, and may be renewed for not more than an additional two years if the Secretary finds that the grantee is meeting the grant objectives.

''(h) SERVICE OBLIGATION.—

''(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

''(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.

''(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning compliance with the work requirement under paragraph (1).

''CHAPTER C—FEDERAL ADMINISTRATION

''SEC. 1281. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

''(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the 'Council'), which shall—

''(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

''(2) represent different geographic areas of the 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 subpart—

''(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) 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 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. 1282. PEER REVIEW.

''The Secretary may use a peer review process to review applications submitted to the Secretary under chapter B.

''SEC. 1283. PREFERENCE FOR INDIAN APPLICANTS.

''In making grants and entering into contracts or cooperative agreements under chapter B, 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. 1284. MINIMUM GRANT CRITERIA.

''The Secretary may not approve an application for a grant, contract, or cooperative agreement under chapter B 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.

''CHAPTER D—DEFINITIONS

''SEC. 1291. DEFINITIONS.

''For the purposes of this subpart:

''(1) ADULT.—The term 'adult' means an individual who—

''(A) has attained the age of 16 years; or

''(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

''(2) ALASKA NATIVE.—The term 'Alaska Native' has the same meaning as the term 'Native' has in section 3(b) of the Alaska Native Claims Settlement Act.

''(3) 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.

''(4) 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) considered by the Secretary of the Interior to be an Indian for any purpose;

''(D) an Eskimo, Aleut, or other Alaska Native; 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.''.

(b) STRIKE.—The Act is amended by striking title VII (20 U.S.C. 7401 et seq.).

Subtitle D—National Assessment

SEC. 141. NATIONAL ASSESSMENT OF TITLE I.

(a) IN GENERAL.—Part E of title I (20 U.S.C. 6491 et seq.) is redesignated as part B of title I.

(b) REPEALS.—Sections 1502 and 1504 (20 U.S.C. 6492; 6494) are repealed.

(c) REDESIGNATIONS.—Sections 1501 and 1503 (20 U.S.C. 6491; 6493) are redesignated as sections 1301 and 1302, respectively.

(d) AMENDMENTS TO SECTION 1301.—Section 1301 (20 U.S.C. 6491), as so redesignated, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting '', acting through the Director of the Institute of Education Sciences (in this section and section 1302 referred to as the 'Director'),'' after ''The Secretary'';

(B) in paragraph (2)—

(i) by striking ''Secretary'' and inserting ''Director'';

(ii) in subparagraph (A), by striking ''reaching the proficient level'' and all that follows and inserting ''graduating high school prepared for postsecondary education or the workforce.'';

(iii) in subparagraph (B), by striking ''reach the proficient'' and all that follows and inserting ''meet State academic standards.'';

(iv) by striking subparagraphs (D) and (G) and redesignating subparagraphs (E), (F), and (H) through (O) as subparagraphs (D) through (M), respectively;

(v) in subparagraph (D)(v) (as so redesignated), by striking ''help schools in which'' and all that follows and inserting ''address disparities in the percentages of effective teachers teaching in low-income schools.''

(vi) in subparagraph (G) (as so redesignated)—

(I) by striking ''section 1116'' and inserting ''section 1111(b)(3)(B)(iii)''; and

(II) by striking '', including the following'' and all that follows and inserting a period;

(vii) in subparagraph (I) (as so redesignated), by striking ''qualifications'' and inserting ''effectiveness'';

(viii) in subparagraph (J) (as so redesignated), by striking '', including funds under section 1002,'';

(ix) in subparagraph (L) (as so redesignated), by striking ''section 1111(b)(2)(C)(v)(II)'' and inserting ''section 1111(b)(3)(B)(ii)(II)''; and

(x) in subparagraph (M) (as so redesignated), by striking ''Secretary'' and inserting ''Director'';

(C) in paragraph (3), by striking ''Secretary'' and inserting ''Director'';

(D) in paragraph (4), by striking ''Secretary'' and inserting ''Director'';

(E) in paragraph (5), by striking ''Secretary'' and inserting ''Director''; and

(F) in paragraph (6)—

(i) by striking ''No Child Left Behind Act of 2001'' each place it appears and inserting ''Student Success Act''; and

(ii) by striking ''Secretary'' each place it appears and inserting ''Director'';

(2) in subsection (b), by striking ''Secretary'' each place it appears and inserting ''Director'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''Secretary'' and inserting ''Director''; and

(ii) by striking ''part A'' and inserting ''subpart 1 of part A'';

(B) in paragraph (2)—

(i) by striking ''Secretary'' and inserting ''Director'';

(ii) in subparagraph (B), by striking ''challenging academic achievement standards'' and inserting ''State academic standards'';

(iii) in subparagraph (E), by striking ''effects of the availability'' and all that follows and inserting ''extent to which actions authorized under section 1111(b)(3)(B)(iii) improve the academic achievement of disadvantaged students and low-performing schools.''; and

(iv) in subparagraph (F), by striking ''Secretary'' and inserting ''Director''; and

(C) in paragraph (3)—

(i) by striking ''Secretary'' and inserting ''Director''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) analyzes varying models or strategies for delivering school services, including schoolwide and targeted services.''; and

(4) in subsection (d), by striking ''Secretary'' each place it appears and inserting ''Director''.

(e) AMENDMENTS TO SECTION 1302.—Section 1302 (20 U.S.C. 6493), as so redesignated, is amended—

(1) in subsection (a)—

(A) by striking ''Secretary'' and inserting ''Director''; and

(B) by striking ''and for making decisions about the promotion and graduation of students'';

(2) in subsection (b)—

(A) by striking ''Secretary'' the first place it appears and inserting ''Director'';

(B) by striking ''process,'' and inserting ''process consistent with section 1206,''; and

(C) by striking ''Assistant Secretary of Educational Research and Improvement'' and inserting ''Director'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''to the State-defined level of proficiency'' and inserting ''toward meeting the State academic standards''; and

(ii) in subparagraph (C), by striking ''pupil-services'' and inserting ''specialized instructional support services'';

(B) in paragraph (3), by striking ''limited and nonlimited English proficient students'' and inserting ''English learners''; and

(C) in paragraph (6), by striking ''Secretary'' and inserting ''Director''; and

(4) in subsection (f)—

(A) by striking ''Secretary'' and inserting ''Director''; and

(B) by striking ''authorized to be appropriated for this part'' and inserting ''appropriated under section 3(a)(2)''.

Subtitle E—Title I General Provisions

SEC. 151. GENERAL PROVISIONS FOR TITLE I.

Part I of title I (20 U.S.C. 6571 et seq.)—

(1) is transferred to appear after part B (as redesignated); and

(2) is amended to read as follows:

''PART C—GENERAL PROVISIONS

''SEC. 1401. FEDERAL REGULATIONS.

''(a) IN GENERAL.—The Secretary may, in accordance with subsections (b) through (d), issue such regulations as are necessary to reasonably ensure there is compliance with this title.

''(b) NEGOTIATED RULEMAKING PROCESS.—

''(1) IN GENERAL.—Before publishing in the Federal Register proposed regulations to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, and members of local school boards and other organizations involved with the implementation and operation of programs under this title.

''(2) MEETINGS AND ELECTRONIC EXCHANGE.—Such advice and recommendations may be obtained through such mechanisms as regional meetings and electronic exchanges of information.

''(3) PROPOSED REGULATIONS.—After obtaining such advice and recommendations, and before publishing proposed regulations, the Secretary shall—

''(A) establish a negotiated rulemaking process;

''(B) select individuals to participate in such process from among individuals or groups that provided advice and recommendations, including representation from all geographic regions of the United States, in such numbers as will provide an equitable balance between representatives of parents and students and representatives of educators and education officials; and

''(C) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under subparagraph (B) not less than 15 days before the first meeting under such process.

''(c) PROPOSED RULEMAKING.—If the Secretary determines that a negotiated rulemaking process is unnecessary or the individuals selected to participate in the process under paragraph (3)(B) fail to reach unanimous agreement, the Secretary may propose regulations under the following procedure:

''(1) Not less than 30 days prior to beginning a rulemaking process, the Secretary shall provide to Congress, including the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, notice that shall include—

''(A) a copy of the proposed regulations;

''(B) the need to issue regulations;

''(C) the anticipated burden, including the time, cost, and paperwork burden, the regulations will have on State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulations; and

''(D) any regulations that will be repealed when the new regulations are issued.

''(2) 30 days after giving notice of the proposed rule to Congress, the Secretary may proceed with the rulemaking process after all comments received from the Congress have been addressed and publishing how such comments are addressed with the proposed rule.

''(3) The comment and review period for any proposed regulation shall be 90 days unless an emergency requires a shorter period, in which case such period shall be not less than 45 days and the Secretary shall—

''(A) designate the proposed regulation as an emergency with an explanation of the emergency in the notice and report to Congress under paragraph (1); and

''(B) publish the length of the comment and review period in such notice and in the Federal Register.

''(4) No regulation shall be made final after the comment and review period until the Secretary has published in the Federal Register an independent assessment of—

''(A) the burden, including the time, cost, and paperwork burden, the regulation will impose on State educational agencies, local educational agencies, schools and other entities that may be impacted by the regulation; and

''(B) an explanation of how the entities described in subparagraph (A) may cover the cost of the burden assessed under subparagraph (A).

''(d) LIMITATION.—Regulations to carry out this title may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

''SEC. 1402. AGREEMENTS AND RECORDS.

''(a) AGREEMENTS.—In the case in which a negotiated rule making process is established under subsection (b) of section 1401, all published proposed regulations shall conform to agreements that result from the rulemaking described in section 1401 unless the Secretary reopens the negotiated rulemaking process.

''(b) RECORDS.—The Secretary shall ensure that an accurate and reliable record of agreements reached during the negotiations process is maintained.

''SEC. 1403. STATE ADMINISTRATION.

''(a) RULEMAKING.—

''(1) IN GENERAL.—Each State that receives funds under this title shall—

''(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title and provide any such proposed rules, regulations, and policies to the committee of practitioners created under subsection (b) for review and comment;

''(B) minimize such rules, regulations, and policies to which the State's local educational agencies and schools are subject;

''(C) eliminate or modify State and local fiscal accounting requirements in order to facilitate the ability of schools to consolidate funds under schoolwide programs;

''(D) identify any such rule, regulation, or policy as a State-imposed requirement; and

''(E)(i) identify any duplicative or contrasting requirements between the State and Federal rules or regulations;

''(ii) eliminate the rules and regulations that are duplicative of Federal requirements; and

''(iii) report any conflicting requirements to the Secretary and determine which Federal or State rule or regulation shall be followed.

''(2) SUPPORT AND FACILITATION.—State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the State academic standards.

''(b) COMMITTEE OF PRACTITIONERS.—

''(1) IN GENERAL.—Each State educational agency that receives funds under this title shall

create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

''(2) MEMBERSHIP.—Each such committee shall include—

''(A) as a majority of its members, representatives from local educational agencies;

''(B) administrators, including the administrators of programs described in other parts of this title;

''(C) teachers from public charter schools, traditional public schools, and career and technical educators;

''(D) parents;

''(E) members of local school boards;

''(F) representatives of private school children; and

''(G) specialized instructional support personnel.

''(3) DUTIES.—The duties of such committee shall include a review, before publication, of any proposed or final State rule or regulation pursuant to this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program under this title, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation before issuance in final form.

''SEC. 1404. RULE OF CONSTRUCTION ON EQUALIZED SPENDING.

''Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.''.

TITLE II—TEACHER PREPARATION AND EFFECTIVENESS

SEC. 201. TEACHER PREPARATION AND EFFECTIVENESS.

(a) HEADING.—The title heading for title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

''TITLE II—TEACHER PREPARATION AND EFFECTIVENESS''.

(b) PART A.—Part A of title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

''PART A—SUPPORTING EFFECTIVE INSTRUCTION

''SEC. 2101. PURPOSE.

''The purpose of this part is to provide grants to State educational agencies and subgrants to local educational agencies to—

''(1) increase student achievement consistent with State academic standards under section 1111(b)(1);

''(2) improve teacher and school leader effectiveness in classrooms and schools, respectively;

''(3) provide evidence-based, job-embedded, continuous professional development; and

''(4) develop and implement teacher evaluation systems that use, in part, student achievement data to determine teacher effectiveness.

''Subpart 1—Grants to States

''SEC. 2111. ALLOTMENTS TO STATES.

''(a) IN GENERAL.—Of the amounts appropriated under section 3(b), the Secretary shall reserve 75 percent to make grants to States with applications approved under section 2112 to pay for the Federal share of the cost of carrying out the activities specified in section 2113. Each grant shall consist of the allotment determined for a State under subsection (b).

''(b) DETERMINATION OF ALLOTMENTS.—

''(1) RESERVATION OF FUNDS.—Of the amount reserved under subsection (a) for a fiscal year, the Secretary shall reserve—

''(A) not more than 1 percent to carry out national activities under section 2132;

''(B) one-half of 1 percent for allotments to outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

''(C) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

''(2) STATE ALLOTMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), from the funds reserved under subsection (a) for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each State the sum of—

''(i) an amount that bears the same relationship to 50 percent of the funds 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 50 percent of the funds 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.

''(B) SMALL STATE MINIMUM.—No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total amount of funds allotted under such subparagraph for a fiscal year.

''(c) ALTERNATE DISTRIBUTION OF FUNDS.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (5), if a State does not apply to the Secretary for an allotment under this section, a local educational agency located in such State may apply to the Secretary for a portion of the funds that would have been allotted to the State had such State applied for an allotment under this section to carry out the activities under this part.

''(2) APPLICATION.—In order to receive an allotment under paragraph (1), a local educational agency shall submit to the Secretary an application at such time, in such manner, and containing the information described in section 2122.

''(3) USE OF FUNDS.—A local educational agency receiving an allotment under paragraph (1)—

''(A) shall use such funds to carry out the activities described in section 2123(1); and

''(B) may use such funds to carry out the activities described in section 2123(2).

''(4) REPORTING REQUIREMENTS.—A local educational agency receiving an allotment under paragraph (1) shall carry out the reporting requirements described in section 2131(a), except that annual reports shall be submitted to the Secretary and not a State educational agency.

''(5) AMOUNT OF ALLOTMENT.—An allotment made to a local educational agency under paragraph (1) for a fiscal year shall be equal to the amount of subgrant funds that the local educational agency would have received under subpart 2 had such agency applied for a subgrant under such subpart for such fiscal year.

''(d) REALLOTMENT.—If a State does not apply for an allotment under this section for any fiscal year or only a portion of the State's allotment is allotted under subsection (c), the Secretary shall reallot the State's entire allotment or the remaining portion of its allotment, as the case may be, to the remaining States in accordance with subsection (b).

''SEC. 2112. STATE APPLICATION.

''(a) IN GENERAL.—For a State to be eligible to receive a grant under this subpart, the State educational agency shall submit an application to the Secretary at such time and in such a manner as the Secretary may reasonably require, which shall include the following:

''(1) A description of how the State educational agency will meet the requirements of this subpart.

''(2) A description of how the State educational agency will use a grant received under section 2111, including the grant funds the State will reserve for State-level activities under section 2113(a)(2).

''(3) A description of how the State educational agency will facilitate the sharing of evidence-based and other effective strategies among local educational agencies.

''(4) A description of how, and under what timeline, the State educational agency will allocate subgrants under subpart 2 to local educational agencies.

''(5) In the case of a State educational agency that is not developing or implementing a statewide teacher evaluation system, a description of how the State educational agency will ensure that each local educational agency in the State receiving a subgrant under subpart 2 will implement a teacher evaluation system that meets the requirements of clauses (i) through (v) of section 2123(1)(A).

''(6) In the case of a State educational agency that is developing or implementing a statewide teacher evaluation system—

''(A) a description of how the State educational agency will work with local educational agencies in the State to implement the statewide teacher evaluation system within 3 years of the date of enactment of the Student Success Act; and

''(B) an assurance that the statewide teacher evaluation system complies with clauses (i) through (v) of section 2123(1)(A).

''(7) An assurance that the State educational agency will comply with section 5501 (regarding participation by private school children and teachers).

''(b) DEEMED APPROVAL.—An application submitted by a State educational agency under subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

''(c) DISAPPROVAL.—The Secretary shall not finally disapprove an application, except after giving the State educational agency notice and an opportunity for a hearing.

''(d) NOTIFICATION.—If the Secretary finds that an application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

''(1) give the State educational agency notice and an opportunity for a hearing; and

''(2) notify the State educational agency of the finding of noncompliance and, in such notification, shall—

''(A) cite the specific provisions in the application that are not in compliance; and

''(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

''(e) RESPONSE.—If a State educational agency responds to a notification from the Secretary under subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

''(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

''(2) the expiration of the 120-day period described in subsection (b).

''(f) FAILURE TO RESPOND.—If a State educational agency does not respond to a notification from the Secretary under subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

''SEC. 2113. STATE USE OF FUNDS.

''(a) IN GENERAL.—A State educational agency that receives a grant under section 2111 shall—

''(1) reserve 95 percent of the grant funds to make subgrants to local educational agencies under subpart 2; and

''(2) use the remainder of the funds, after reserving funds under paragraph (1), for the State activities described in subsection (b), except that the State may reserve not more than 1 percent of the grant funds for planning and administration related to carrying out activities described in subsection (b).

''(b) STATE-LEVEL ACTIVITIES.—A State educational agency that receives a grant under section 2111—

''(1) shall use the amount described in subsection (a)(2) to—

''(A) provide training and technical assistance to local educational agencies on—

''(i) in the case of a State educational agency not implementing a statewide teacher evaluation system—

''(I) the development and implementation of a teacher evaluation system that meets the requirements of clauses (i) through (v) of section 2123(1)(A); and

''(II) training school leaders in using such evaluation system; or

''(ii) in the case of a State educational agency implementing a statewide teacher evaluation system, implementing such evaluation system; and

''(B) fulfill the State educational agency's responsibilities with respect to the proper and efficient administration of the subgrant program carried out under this part; and

''(2) may use the amount described in subsection (a)(2) to—

''(A) disseminate and share evidence-based and other effective practices, including practices consistent with the principles of effectiveness described in section 2222(b), related to teacher and school leader effectiveness and professional development;

''(B) provide professional development for teachers and school leaders in the State consistent with section 2123(2)(D); and

''(C) provide training and technical assistance to local educational agencies on—

''(i) in the case of a State educational agency not implementing a statewide school leader evaluation system, the development and implementation of a school leader evaluation system; and

''(ii) in the case of a State educational agency implementing a statewide school leader evaluation system, implementing such evaluation system.

''Subpart 2—Subgrants to Local Educational Agencies

''SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

''(a) IN GENERAL.—Each State receiving a grant under section 2111 shall use the funds reserved under section 2113(a)(1) to award subgrants to local educational agencies under this section.

''(b) ALLOCATION OF FUNDS.—From the funds reserved by a State under section 2113(a)(1), the State educational agency shall allocate to each local educational agency in the State the sum of—

''(1) an amount that bears the same relationship to 50 percent of the funds as the number of individuals age 5 through 17 in the geographic area served by the local educational agency, as determined by the State 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; and

''(2) an amount that bears the same relationship to 50 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 local educational agency, as determined by the State 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.

''SEC. 2122. LOCAL APPLICATIONS.

''To be eligible to receive a subgrant under this subpart, a local educational agency shall submit an application to the State educational agency involved at such time, in such a manner, and containing such information as the State educational agency may reasonably require that, at a minimum, shall include the following:

''(1) A description of—

''(A) how the local educational agency will meet the requirements of this subpart;

''(B) how the activities to be carried out by the local educational agency under this subpart will be evidence-based, improve student academic achievement, and improve teacher and school leader effectiveness;

''(C) in the case of a local educational agency not in a State with a statewide teacher evaluation system, the teacher evaluation system that will be developed and implemented under section 2123(1) and how such system will meet the requirements described in clauses (i) through (v) of section 2123(1)(A);

''(D) how, in developing and implementing such a teacher evaluation system, the local educational agency will work with parents, teachers, school leaders, and other staff of the schools served by the local educational agency; and

''(E) how the local educational agency will develop and implement such a teacher evaluation system within 3 years of the date of enactment of the Student Success Act.

''(2) In the case of a local educational agency in a State with a statewide teacher evaluation system, a description of how the local educational agency will work with the State educational agency to implement the statewide teacher evaluation system within 3 years of the date of enactment of the Student Success Act.

''(3) An assurance that the local educational agency will comply with section 5501 (regarding participation by private school children and teachers).

''SEC. 2123. LOCAL USE OF FUNDS.

''A local educational agency receiving a subgrant under this subpart—

''(1) shall use such funds—

''(A) to develop and implement a teacher evaluation system that—

''(i) uses student achievement data derived from a variety of sources as a significant factor in determining a teacher's evaluation, with the weight given to such data defined by the local educational agency;

''(ii) uses multiple measures of evaluation for evaluating teachers;

''(iii) has more than 2 categories for rating the performance of teachers;

''(iv) shall be used to make personnel decisions, as determined by the local educational agency; and

''(v) is based on input from parents, school leaders, teachers, and other staff of schools served by the local educational agency; or

''(B) in the case of a local educational agency located in a State implementing a statewide teacher evaluation system, to implement such evaluation system; and

''(2) may use such funds for—

''(A) the training of school leaders or other individuals for the purpose of evaluating teachers under a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), as appropriate;

''(B) in the case of a local educational agency located in a State implementing a statewide school leader evaluation system, to implement such evaluation system;

''(C) in the case of a local educational agency located in a State not implementing a statewide school leader evaluation system, the development and implementation of a school leader evaluation system;

''(D) professional development for teachers and school leaders that is evidence-based, job-embedded, and continuous, such as—

''(i) subject-based professional development for teachers;

''(ii) professional development aligned with the State's academic standards;

''(iii) professional development to assist teachers in meeting the needs of students with different learning styles, particularly students with disabilities, English learners, and gifted and talented students;

''(iv) professional development for teachers identified as in need of additional support through data provided by a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), as appropriate;

''(v) professional development based on the current science of learning, which includes research on positive brain change and cognitive skill development;

''(vi) professional development for school leaders, including evidence-based mentorship programs for such leaders;

''(vii) professional development on integrated, interdisciplinary, and project-based teaching strategies, including for career and technical education teachers; or

''(viii) professional development on teaching dual credit and dual enrollment postsecondary-level courses to secondary school students;

''(E) partnering with a public or private organization or a consortium of such organizations to develop and implement a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), or to administer professional development, as appropriate;

''(F) any activities authorized under section 2222(a); or

''(G) class size reduction, except that the local educational agency may use not more than 10 percent of such funds for this purpose.

''Subpart 3—General Provisions

''SEC. 2131. REPORTING REQUIREMENTS.

''(a) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency receiving a subgrant under subpart 2 shall submit to the State educational agency involved, on an annual basis until the last year in which the local educational agency receives such subgrant funds, a report on—

''(1) how the local educational agency is meeting the purposes of this part described in section 2101;

''(2) how the local educational agency is using such subgrant funds;

''(3) the number and percentage of teachers in each category established under clause (iii) of section 2123(1)(A), except that such report shall not reveal personally identifiable information about an individual teacher; and

''(4) any such other information as the State educational agency may require.

''(b) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under subpart 1 shall submit to the Secretary a report, on an annual basis until the last year in which the State educational agency receives such grant funds, on—

''(1) how the State educational agency is meeting the purposes of this part described in section 2101; and

''(2) how the State educational agency is using such grant funds.

''SEC. 2132. NATIONAL ACTIVITIES.

''From the funds reserved by the Secretary under section 2111(b)(1)(A), the Secretary shall, directly or through grants and contracts—

''(1) provide technical assistance to States and local educational agencies in carrying out activities under this part; and

''(2) acting through the Institute of Education Sciences, conduct national evaluations of activities carried out by State educational agencies and local educational agencies under this part.

''SEC. 2133. STATE DEFINED.

''In this part, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

(c) PART B.—Part B of title II (20 U.S.C. 6661 et seq.) is amended to read as follows:

''PART B—TEACHER AND SCHOOL LEADER FLEXIBLE GRANT

''SEC. 2201. PURPOSE.

''The purpose of this part is to improve student academic achievement by—

''(1) supporting all State educational agencies, local educational agencies, schools, teachers, and school leaders to pursue innovative and evidence-based practices to help all students meet the State's academic standards; and

''(2) increasing the number of teachers and school leaders who are effective in increasing student academic achievement.

''Subpart 1—Formula Grants to States

''SEC. 2211. STATE ALLOTMENTS.

''(a) RESERVATIONS.—From the amount appropriated under section 3(b) for any fiscal year, the Secretary—

''(1) shall reserve 25 percent to award grants to States under this subpart; and

''(2) of the amount reserved under paragraph (1), shall reserve—

''(A) not more than 1 percent for national activities described in section 2233;

''(B) one-half of 1 percent for allotments to outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

''(C) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

''(b) STATE ALLOTMENTS.—

''(1) IN GENERAL.—From the total amount reserved under subsection (a)(1) for each fiscal year and not reserved under subparagraphs (A) through (C) of subsection (a)(2), the Secretary shall allot, and make available in accordance with this section, to each State an amount that bears the same ratio to such sums as the school-age population of the State bears to the school-age population of all States.

''(2) SMALL STATE MINIMUM.—No State receiving an allotment under paragraph (1) may receive less than one-half of 1 percent of the total amount allotted under such paragraph.

''(3) REALLOTMENT.—If a State does not receive an allotment under this subpart for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

''(c) STATE APPLICATION.—In order to receive an allotment under this section for any fiscal year, a State shall submit an application to the Secretary, at such time and in such manner as the Secretary may reasonably require. Such application shall—

''(1) designate the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

''(2) describe how the State educational agency will use funds received under this section for State level activities described in subsection (d)(3);

''(3) describe the procedures and criteria the State educational agency will use for reviewing applications and awarding subgrants in a timely manner to eligible entities under section 2221 on a competitive basis;

''(4) describe how the State educational agency will ensure that subgrants made under section 2221 are of sufficient size and scope to support effective programs that will help increase academic achievement in the classroom and are consistent with the purposes of this part;

''(5) describe the steps the State educational agency will take to ensure that eligible entities use subgrants received under section 2221 to carry out programs that implement effective strategies, including by providing ongoing technical assistance and training, and disseminating evidence-based and other effective strategies to such eligible entities;

''(6) describe how programs under this part will be coordinated with other programs under this Act; and

''(7) include an assurance that, other than providing technical and advisory assistance and monitoring compliance with this part, the State educational agency has not exercised, and will not exercise, any influence in the decision-making processes of eligible entities as to the expenditure of funds made pursuant to an application submitted under section 2221(b).

''(d) STATE USE OF FUNDS.—

''(1) IN GENERAL.—Each State that receives an allotment under this section shall reserve not less than 92 percent of the amount allotted to such State under subsection (b), for each fiscal year, for subgrants to eligible entities under subpart 2.

''(2) STATE ADMINISTRATION.—A State educational agency may reserve not more than 1 percent of the amount made available to the State under subsection (b) for the administrative costs of carrying out such State educational agency's responsibilities under this subpart.

''(3) STATE-LEVEL ACTIVITIES.—

''(A) INNOVATIVE TEACHER AND SCHOOL LEADER ACTIVITIES.—A State educational agency shall reserve not more than 4 percent of the amount made available to the State under subsection (b) to carry out, solely, or in partnership with State agencies of higher education, 1 or more of the following activities:

''(i) Reforming teacher and school leader certification, recertification, licensing, and tenure systems to ensure that such systems are rigorous and that—

''(I) each teacher has the subject matter knowledge and teaching skills necessary to help students meet the State's academic standards; and

''(II) school leaders have the instructional leadership skills to help teachers instruct and students learn.

''(ii) Improving the quality of teacher preparation programs within the State, including through the use of appropriate student achievement data and other factors to evaluate the quality of teacher preparation programs within the State.

''(iii) Carrying out programs that establish, expand, or improve alternative routes for State certification or licensure of teachers and school leaders, including such programs for—

''(I) mid-career professionals from other occupations, including science, technology, engineering, and math fields;

''(II) former military personnel; and

''(III) recent graduates of an institution of higher education, with a record of academic distinction, who demonstrate the potential to become effective teachers or school leaders.

''(iv) Developing, or assisting eligible entities in developing—

''(I) performance-based pay systems for teachers and school leaders;

''(II) strategies that provide differential, incentive, or bonus pay for teachers and school leaders; or

''(III) teacher and school leader advancement initiatives that promote professional growth and emphasize multiple career paths and pay differentiation.

''(v) Developing, or assisting eligible entities in developing, new, evidence-based teacher and school leader induction and mentoring programs that are designed to—

''(I) improve instruction and student academic achievement; and

''(II) increase the retention of effective teachers and school leaders.

''(vi) Providing professional development for teachers and school leaders that is focused on improving teaching and student academic achievement, including for students with different learning styles, particularly students with disabilities, English learners, gifted and talented students, and other special populations.

''(vii) Providing training and technical assistance to eligible entities that receive a subgrant under section 2221.

''(viii) Other activities identified by the State educational agency that meet the purposes of this part, including those activities authorized under subparagraph (B).

''(B) TEACHER OR SCHOOL LEADER PREPARATION ACADEMIES.—

''(i) IN GENERAL.—In the case of a State in which teacher or school leader preparation academies are allowable under State law, a State educational agency may reserve not more than 3 percent of the amount made available to the State under subsection (b) to support the establishment or expansion of one or more teacher or school leader preparation academies and, subject to the limitation under clause (iii), to support State authorizers for such academies.

''(ii) MATCHING REQUIREMENT.—A State educational agency shall not provide funds under this subparagraph to support the establishment or expansion of a teacher or school leader preparation academy unless the academy agrees to provide, either directly or through private contributions, non-Federal matching funds equal to not less than 10 percent of the amount of the funds the academy will receive under this subparagraph.

''(iii) FUNDING FOR STATE AUTHORIZERS.—Not more than 5 percent of funds provided to a teacher or school leader preparation academy under this subparagraph may be used to support activities of State authorizers for such academy.

''SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLICATIONS.

''(a) DEEMED APPROVAL.—An application submitted by a State pursuant to section 2211(c) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with section 2211(c).

''(b) DISAPPROVAL PROCESS.—

''(1) IN GENERAL.—The Secretary shall not finally disapprove an application submitted under section 2211(c), except after giving the State educational agency notice and an opportunity for a hearing.

''(2) NOTIFICATION.—If the Secretary finds that an application is not in compliance, in whole or in part, with section 2211(c) the Secretary shall—

''(A) give the State educational agency notice and an opportunity for a hearing; and

''(B) notify the State educational agency of the finding of noncompliance and, in such notification, shall—

''(i) cite the specific provisions in the application that are not in compliance; and

''(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

''(3) RESPONSE.—If a State educational agency responds to a notification from the Secretary under paragraph (2)(B) during the 45-day period beginning on the date on which the State educational agency received the notification, and resubmits the application with the requested information described in paragraph (2)(B)(ii), the Secretary shall approve or disapprove such application prior to the later of—

''(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

''(B) the expiration of the 120-day period described in subsection (a).

''(4) FAILURE TO RESPOND.—If the State educational agency does not respond to a notification from the Secretary under paragraph (2)(B) during the 45-day period beginning on the date on which the State educational agency received the notification, such application shall be deemed to be disapproved.

''Subpart 2—Local Competitive Grant Program

''SEC. 2221. LOCAL COMPETITIVE GRANT PROGRAM.

''(a) IN GENERAL.—A State that receives an allotment under section 2211(b) for a fiscal year shall use the amount reserved under section 2211(d)(1) to award subgrants, on a competitive basis, to eligible entities in accordance with this section to enable such entities to carry out the programs and activities described in section 2222.

''(b) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a subgrant under this section, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

''(A) a description of the programs and activities to be funded and how they are consistent with the purposes of this part; and

''(B) an assurance that the eligible entity will comply with section 5501 (regarding participation by private school children and teachers).

''(c) PEER REVIEW.—In reviewing applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications but the review shall only judge the likelihood of the activity to increase student academic achievement. The reviewers shall not make a determination based on the policy of the proposed activity.

''(d) GEOGRAPHIC DIVERSITY.—A State educational agency shall distribute funds under this section equitably among geographic areas within the State, including rural, suburban, and urban communities.

''(e) DURATION OF AWARDS.—A State educational agency may award subgrants under this section for a period of not more than 5 years.

''(f) MATCHING.—An eligible entity receiving a subgrant under this section shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 10 percent of the amount of the subgrant.

''SEC. 2222. LOCAL AUTHORIZED ACTIVITIES.

''(a) IN GENERAL.—Each eligible entity receiving a subgrant under section 2221 shall use such subgrant funds to develop, implement, and evaluate comprehensive programs and activities, that are in accordance with the purpose of this part and—

''(1) are consistent with the principles of effectiveness described in subsection (b); and

''(2) may include, among other programs and activities—

''(A) developing and implementing initiatives to assist in recruiting, hiring, and retaining highly effective teachers and school leaders, including initiatives that provide—

''(i) differential, incentive, or bonus pay for teachers and school leaders;

''(ii) performance-based pay systems for teachers and school leaders;

''(iii) teacher and school leader advancement initiatives that promote professional growth and emphasize multiple career paths and pay differentiation;

''(iv) new teacher and school leader induction and mentoring programs that are designed to improve instruction, student academic achievement, and to increase teacher and school leader retention; and

''(v) teacher residency programs, and school leader residency programs, designed to develop and support new teachers or new school leaders, respectively;

''(B) supporting the establishment or expansion of teacher or school leader preparation academies under section 2211(d)(3)(B);

''(C) recruiting qualified individuals from other fields, including individuals from science, technology, engineering, and math fields, mid-career professionals from other occupations, and former military personnel;

''(D) establishing, improving, or expanding model instructional programs to ensure that all children meet the State's academic standards;

''(E) providing evidence-based, job embedded, continuous professional development for teachers and school leaders focused on improving teaching and student academic achievement;

''(F) implementing programs based on the current science of learning, which includes research on positive brain change and cognitive skill development;

''(G) recruiting and training teachers to teach dual credit and dual enrollment postsecondary-level courses to secondary school students; and

''(H) other activities and programs identified as necessary by the local educational agency that meet the purpose of this part.

''(b) PRINCIPLES OF EFFECTIVENESS.—For a program or activity developed pursuant to this section to meet the principles of effectiveness, such program or activity shall—

''(1) be based upon an assessment of objective data regarding the need for programs and activities in the elementary schools and secondary schools served to increase the number of teachers and school leaders who are effective in improving student academic achievement;

''(2) reflect evidence-based research, or in the absence of a strong research base, reflect effective strategies in the field, that provide evidence that the program or activity will improve student academic achievement; and

''(3) include meaningful and ongoing consultation with, and input from, teachers, school leaders, and parents, in the development of the application and administration of the program or activity.

''Subpart 3—General Provisions

''SEC. 2231. PERIODIC EVALUATION.

''(a) IN GENERAL.—Each eligible entity and each teacher or school leader preparation academy that receives funds under this part shall undergo a periodic evaluation by the State educational agency involved to assess such entity's or such academy's progress toward achieving the purposes of this part.

''(b) USE OF RESULTS.—The results of an evaluation described in subsection (a) of an eligible entity or academy shall be—

''(1) used to refine, improve, and strengthen such eligible entity or such academy, respectively; and

''(2) made available to the public upon request, with public notice of such availability provided.

''SEC. 2232. REPORTING REQUIREMENTS.

''(a) ELIGIBLE ENTITIES AND ACADEMIES.—Each eligible entity and each teacher or school leader preparation academy that receives funds from a State educational agency under this part shall prepare and submit annually to such State educational agency a report that includes—

''(1) a description of the progress of the eligible entity or teacher or school leader preparation academy, respectively, in meeting the purposes of this part;

''(2) a description of the programs and activities conducted by the eligible entity or teacher or school leader preparation academy, respectively, with funds received under this part;

''(3) how the eligible entity or teacher or school leader preparation academy, respectively, is using such funds; and

''(4) any such other information as the State educational agency may require.

''(b) STATE EDUCATIONAL AGENCIES.—Each State educational agency that receives a grant under this part shall prepare and submit, annually, to the Secretary a report that includes—

''(1) a description of the programs and activities conducted by the State educational agency with grant funds received under this part;

''(2) a description of the progress of the State educational agency in meeting the purposes of this part described in section 2201;

''(3) how the State educational agency is using grant funds received under this part;

''(4) the methods and criteria the State educational agency used to award subgrants in a timely manner to eligible entities under section 2221 and, if applicable, funds in a timely manner to teacher or school leader academies under section 2211(d)(3)(B); and

''(5) the results of the periodic evaluations conducted under section 2231.

''SEC. 2233. NATIONAL ACTIVITIES.

''From the funds reserved by the Secretary under section 2211(a)(2)(A), the Secretary shall, directly or through grants and contracts—

''(1) provide technical assistance to States and eligible entities in carrying out activities under this part; and

''(2) acting through the Institute of Education Sciences, conduct national evaluations of activities carried out by States and eligible entities under this part.

''SEC. 2234. DEFINITIONS.

''In this part:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a local educational agency or consortium of local educational agencies;

''(B) an institution of higher education or consortium of such institutions in partnership with a local educational agency or consortium of local educational agencies;

''(C) a for-profit organization, a nonprofit organization, or a consortium of for-profit or nonprofit organizations in partnership with a local educational agency or consortium of local educational agencies; or

''(D) a consortium of the entities described in subparagraphs (B) and (C).

''(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(3) STATE AUTHORIZER.—The term 'State authorizer' means an entity designated by the Governor of a State to authorize teacher or school leader preparation academies within the State that—

''(A) enters into an agreement with a teacher or school leader preparation academy that—

''(i) specifies the goals expected of the academy, which, at a minimum, include the goals described in paragraph (4); and

''(ii) does not reauthorize the academy if such goals are not met; and

''(B) may be a nonprofit organization, a State educational agency, or other public entity, or consortium of such entities (including a consortium of State educational agencies).

''(4) TEACHER OR SCHOOL LEADER PREPARATION ACADEMY.—The term 'teacher or school leader preparation academy' means a public or private entity, or a nonprofit or for-profit organization, which may be an institution of higher education or an organization affiliated with an institution of higher education, that will prepare teachers or school leaders to serve in schools, and that—

''(A) enters into an agreement with a State authorizer that specifies the goals expected of the academy, including—

''(i) a requirement that prospective teachers or school leaders who are enrolled in a teacher or school leader preparation academy receive a significant part of their training through clinical preparation that partners the prospective candidate with an effective teacher or school leader, respectively, with a demonstrated record of increasing student achievement, while also receiving concurrent instruction from the academy in the content area (or areas) in which the prospective teacher or school leader will become certified or licensed;

''(ii) the number of effective teachers or school leaders, respectively, who will demonstrate success in increasing student achievement that the academy will produce; and

''(iii) a requirement that a teacher or school leader preparation academy will only award a certificate of completion after the graduate demonstrates that the graduate is an effective teacher or school leader, respectively, with a demonstrated record of increasing student achievement, except that an academy may award a provisional certificate for the period necessary to allow the graduate to demonstrate such effectiveness;

''(B) does not have restrictions on the methods the academy will use to train prospective teacher or school leader candidates, including—

''(i) obligating (or prohibiting) the academy's faculty to hold advanced degrees or conduct academic research;

''(ii) restrictions related to the academy's physical infrastructure;

''(iii) restrictions related to the number of course credits required as part of the program of study;

''(iv) restrictions related to the undergraduate coursework completed by teachers teaching or working on alternative certificates, licenses, or credentials, as long as such teachers have successfully passed all relevant State-approved content area examinations; or

''(v) restrictions related to obtaining accreditation from an accrediting body for purposes of becoming an academy;

''(C) limits admission to its program to prospective teacher or school leader candidates who demonstrate strong potential to improve student achievement, based on a rigorous selection process that reviews a candidate's prior academic achievement or record of professional accomplishment; and

''(D) results in a certificate of completion that the State may recognize as at least the equivalent of a master's degree in education for the purposes of hiring, retention, compensation, and promotion in the State.

''(5) TEACHER RESIDENCY PROGRAM.—The term 'teacher residency program' means a school-based teacher preparation program in which a prospective teacher—

''(A) for one academic year, teaches alongside an effective teacher, as determined by a teacher evaluation system implemented under part A, who is the teacher of record;

''(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution (as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021)), which courses may be taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed; and

''(C) acquires effective teaching skills.''.

(d) PART C.—Part C of title II (20 U.S.C. 6671 et seq.) is amended—

(1) by striking subparts 1 through 4;

(2) by striking the heading relating to subpart 5;

(3) by striking sections 2361 and 2368;

(4) in section 2362, by striking ''principals'' and inserting ''school leaders'';

(5) in section 2363(6)(A), by striking ''principal'' and inserting ''school leader'';

(6) in section 2366(b), by striking ''ate law'' and inserting ''(3) A State law'';

(7) by redesignating section 2362 as section 2361;

(8) by redesignating sections 2364 through 2367 as sections 2362 through 2365, respectively; and

(9) by redesignating section 2363 as section 2366 and transferring such section to appear after section 2365 (as so redesignated).

(e) PART D.—Part D of title II (20 U.S.C. 6751 et seq.) is amended to read as follows:

''PART D—GENERAL PROVISIONS

''SEC. 2401. INCLUSION OF CHARTER SCHOOLS.

''In this title, the term 'local educational agency' includes a charter school (as defined in section 5101) that, in the absence of this section, would not have received funds under this title.

''SEC. 2402. PARENTS' RIGHT TO KNOW.

''At the beginning of each school year, a local educational agency that receives funds under this title shall notify the parents of each student attending any school receiving funds under this title that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers.

''SEC. 2403. SUPPLEMENT, NOT SUPPLANT.

''Funds received under this title shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this title.''.

SEC. 202. CONFORMING REPEALS.

(a) CONFORMING REPEALS.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by repealing sections 201 through 204.

(b) EFFECTIVE DATE.—The repeals made by subsection (a) shall take effect October 1, 2013.

TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

SEC. 301. PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY.

Title III (20 U.S.C. 6801 et seq.) is amended to read as follows:

''TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

''PART A—PARENTAL ENGAGEMENT

''Subpart 1—Charter School Program

''SEC. 3101. PURPOSE.

''It is the purpose of this subpart to—

''(1) improve the United States education system and educational opportunities for all Americans by supporting innovation in public education in public school settings that prepare students to compete and contribute to the global economy;

''(2) provide financial assistance for the planning, program design, and initial implementation of charter schools;

''(3) expand the number of high-quality charter schools available to students across the Nation;

''(4) evaluate the impact of such schools on student achievement, families, and communities, and share best practices between charter schools and other public schools;

''(5) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools;

''(6) improve student services to increase opportunities for students with disabilities, English learners, and other traditionally underserved students to attend charter schools and meet challenging State academic achievement standards; and

''(7) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, monitoring, and evaluation of such schools.

''SEC. 3102. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From the amounts appropriated under section 3(c)(1)(A), the Secretary shall carry out a charter school program under this subpart that supports charter schools that serve elementary school and secondary school students by—

''(1) supporting the startup, replication, and expansion of charter schools;

''(2) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and

''(3) carrying out national activities to support—

''(A) charter school development;

''(B) the dissemination of best practices of charter schools for all schools; and

''(C) the evaluation of the impact of the program on schools participating in the program.

''(b) FUNDING ALLOTMENT.—From the amount made available under section 3(c)(1)(A) for a fiscal year, the Secretary shall—

''(1) reserve 15 percent to support charter school facilities assistance under section 3104;

''(2) reserve not more than 5 percent to carry out national activities under section 3105; and

''(3) use the remaining amount after the Secretary reserves funds under paragraphs (1) and (2) to carry out section 3103.

''(c) PRIOR GRANTS AND SUBGRANTS.—The recipient of a grant or subgrant under this subpart or subpart 2, as such subpart was in effect on the day before the date of enactment of the Student Success Act, shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.

''SEC. 3103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.

''(a) IN GENERAL.—From the amount reserved under section 3102(b)(3), the Secretary shall award grants to State entities having applications approved pursuant to subsection (f) to enable such entities to—

''(1) award subgrants to eligible applicants for—

''(A) opening new charter schools;

''(B) opening replicable, high-quality charter school models; or

''(C) expanding high-quality charter schools; and

''(2) provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1) and work with authorized public chartering agencies in the State to improve authorizing quality.

''(b) STATE USES OF FUNDS.—

''(1) IN GENERAL.—A State entity receiving a grant under this section shall—

''(A) use 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the entity's application approved pursuant to subsection (f), for the purposes described in subparagraphs (A) through (C) of subsection (a)(1); and

''(B) reserve 10 percent of such funds to carry out the activities described in subsection (a)(2), of which not more than 30 percent may be used for administrative costs which may include technical assistance.

''(2) CONTRACTS AND GRANTS.—A State entity may use a grant received under this section to carry out the activities described in subparagraphs (A) and (B) of paragraph (1) directly or through grants, contracts, or cooperative agreements.

''(c) PROGRAM PERIODS; PEER REVIEW; GRANT NUMBER AND AMOUNT; DIVERSITY OF PROJECTS; WAIVERS.—

''(1) PROGRAM PERIODS.—

''(A) GRANTS.—A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 5 years.

''(B) SUBGRANTS.—A subgrant awarded by a State entity under this section shall be for a period of not more than 3 years, of which an eligible applicant may use not more than 18 months for planning and program design.

''(2) PEER REVIEW.—The Secretary, and each State entity receiving a grant under this section, shall use a peer review process to review applications for assistance under this section.

''(3) GRANT NUMBER AND AMOUNT.—The Secretary shall ensure that the number of grants awarded under this section and the award amounts will allow for a sufficient number of new grants to be awarded under this section for each succeeding fiscal year.

''(4) DIVERSITY OF PROJECTS.—Each State entity receiving a grant under this section shall award subgrants under this section in a manner that, to the extent possible, ensures that such subgrants—

''(A) are distributed throughout different areas, including urban, suburban, and rural areas; and

''(B) will assist charter schools representing a variety of educational approaches.

''(5) WAIVERS.—The Secretary may waive any statutory or regulatory requirement without requiring the adoption of any unrelated requirements over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 5101(3), if—

''(A) the waiver is requested in an approved application under this section; and

''(B) the Secretary determines that granting such a waiver will promote the purpose of this subpart.

''(d) LIMITATIONS.—

''(1) GRANTS.—A State entity may not receive more than 1 grant under this section for a 5-year period.

''(2) SUBGRANTS.—An eligible applicant may not receive more than 1 subgrant under this section for an individual charter school for a 3-year period.

''(e) APPLICATIONS.—A State entity desiring 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. The application shall include the following:

''(1) DESCRIPTION OF PROGRAM.—A description of the State entity's objectives in running a quality charter school program under this section and how the objectives of the program will be carried out, including a description—

''(A) of how the entity—

''(i) will support both new charter school startup and the expansion and replication of high-quality charter school models;

''(ii) will inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

''(iii) will work with eligible applicants to ensure that the applicants access all Federal funds that they are eligible to receive, and help the charter schools supported by the applicants and the students attending the charter schools—

''(I) participate in the Federal programs in which the schools and students are eligible to participate; and

''(II) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs;

''(iv) in the case in which the entity is not a State educational agency—

''(I) will work with the State educational agency and the charter schools in the State to maximize charter school participation in Federal and State programs for charter schools; and

''(II) will work with the State educational agency to adequately operate the entity's program under this section, where applicable;

''(v) will ensure eligible applicants that receive a subgrant under the entity's program are prepared to continue to operate the charter schools receiving the subgrant funds once the funds have expired;

''(vi) will support charter schools in local educational agencies with large numbers of schools implementing requirements under the State's school improvement system under section 1111(b)(3)(B)(iii);

''(vii) will work with charter schools to promote inclusion of all students and support all students once they are enrolled to promote retention;

''(viii) will work with charter schools on recruitment practices, including efforts to engage groups that may otherwise have limited opportunities to participate in charter schools;

''(ix) will share best and promising practices between charter schools and other public schools, including, where appropriate, instruction and professional development in science, math, technology, and engineering education;

''(x) will ensure the charter schools receiving funds under the entity's program can meet the educational needs of their students, including students with disabilities and English learners; and

''(xi) will support efforts to increase quality initiatives, including meeting the quality authorizing elements described in paragraph (2)(E);

''(B) of the extent to which the entity—

''(i) is able to meet and carry out the priorities listed in subsection (f)(2); and

''(ii) is working to develop or strengthen a cohesive statewide system to support the opening of new charter schools and replicable, high-quality charter school models, and the expansion of high-quality charter schools;

''(C) of how the entity will carry out the subgrant competition, including—

''(i) a description of the application each eligible applicant desiring to receive a subgrant will submit, including—

''(I) a description of the roles and responsibilities of eligible applicants, partner organizations, and management organizations, including the administrative and contractual roles and responsibilities;

''(II) a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, and how a school's performance in the State's academic accountability system will be a primary factor for renewal or revocation of the school's charter; and

''(III) a description of how the eligible applicant will solicit and consider input from parents and other members of the community on the implementation and operation of each charter school receiving funds under the entity's program; and

''(ii) a description of how the entity will review applications;

''(D) in the case of an entity that partners with an outside organization to carry out the entity's quality charter school program, in whole or in part, of the roles and responsibilities of this partner;

''(E) of how the entity will help the charter schools receiving funds under the entity's program consider the transportation needs of the schools' students; and

''(F) of how the entity will support diverse charter school models, including models that serve rural communities.

''(2) ASSURANCES.—Assurances, including a description of how the assurances will be met, that—

''(A) each charter school receiving funds under the entity's program will have a high degree of autonomy over budget and operations, including personnel;

''(B) the entity will support charter schools in meeting the educational needs of their students as described in paragraph (1)(A)(x);

''(C) the entity will ensure that the authorized public chartering agency of any charter school that receives funds under the entity's program—

''(i) ensures that each charter school is meeting the obligations under this Act, part B of the Individuals with Disabilities Education Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title IX of the Education Amendments of 1972;

''(ii) adequately monitors and helps each charter school in recruiting, enrolling, and meeting the needs of all students, including students with disabilities and English learners; and

''(iii) ensures that each charter school solicits and considers input from parents and other members of the community on the implementation and operation of the school;

''(D) the entity will provide adequate technical assistance to eligible applicants to—

''(i) meet the objectives described in clauses (vii), (viii), and (x) of paragraph (1)(A); and

''(ii) enroll traditionally underserved students, including students with disabilities and English learners, to promote an inclusive education environment;

''(E) the entity will promote quality authorizing, such as through providing technical assistance, to support all authorized public chartering agencies in the State to improve the monitoring of their charter schools, including by—

''(i) assessing annual performance data of the schools, including, as appropriate, graduation rates and student growth; and

''(ii) reviewing the schools' independent, annual audits of financial statements conducted in accordance with generally accepted accounting principles, and ensuring any such audits are publically reported;

''(F) the entity will work to ensure that charter schools are included with the traditional public schools in decision-making about the public school system in the State; and

''(G) the entity will ensure that each charter school in the State make publicly available, consistent with the dissemination requirements of the annual State report card, the information parents need to make informed decisions about the education options available to their children, including information on the educational program, student support services, and annual performance and enrollment data for the groups of students described in section 1111(b)(3)(B)(ii)(II).

''(3) REQUESTS FOR WAIVERS.—A request and justification for waivers of any Federal statutory or regulatory provisions that the entity believes are necessary for the successful operation of the charter schools that will receive funds under the entity's program under this section, and a description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply to such schools.

''(f) SELECTION CRITERIA; PRIORITY.—

''(1) SELECTION CRITERIA.—The Secretary shall award grants to State entities under this section on the basis of the quality of the applications submitted under subsection (e), after taking into consideration—

''(A) the degree of flexibility afforded by the State's public charter school law and how the entity will work to maximize the flexibility provided to charter schools under the law;

''(B) the ambitiousness of the entity's objectives for the quality charter school program carried out under this section;

''(C) the quality of the strategy for assessing achievement of those objectives;

''(D) the likelihood that the eligible applicants receiving subgrants under the program will meet those objectives and improve educational results for students;

''(E) the proposed number of new charter schools to be opened, and the proposed number of high-quality charter schools to be replicated or expanded under the program;

''(F) the entity's plan to—

''(i) adequately monitor the eligible applicants receiving subgrants under the entity's program; and

''(ii) work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies;

''(G) the entity's plan to provide adequate technical assistance, as described in the entity's application under subsection (e), for the eligible applicants receiving subgrants under the entity's program under this section;

''(H) the entity's plan to support quality authorizing efforts in the State, consistent with the objectives described in subparagraph (B); and

''(I) the entity's plan to solicit and consider input from parents and other members of the community on the implementation and operation of the charter schools in the State.

''(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to State entities to the extent that they meet the following criteria:

''(A) In the case of a State entity located in a State that allows an entity other than a local educational agency to be an authorized public chartering agency, the State has a quality authorized public chartering agency that is an entity other than a local educational agency.

''(B) The State entity is located in a State that does not impose any limitation on the number or percentage of charter schools that may exist or the number or percentage of students that may attend charter schools in the State.

''(C) The State entity is located in a State that ensures equitable financing, as compared to traditional public schools, for charter schools and students in a prompt manner.

''(D) The State entity is located in a State that uses best practices from charter schools to help improve struggling schools and local educational agencies.

''(E) The State entity partners with an organization that has a demonstrated record of success in developing management organizations to

support the development of charter schools in the State.

''(F) The State entity demonstrates quality policies and practices to support and monitor charter schools through factors including—

''(i) the proportion of high-quality charter schools in the State; and

''(ii) the proportion of charter schools enrolling, at a rate similar to traditional public schools, traditionally underserved students, including students with disabilities and English learners.

''(G) The State entity supports charter schools that support at-risk students through activities such as dropout prevention or dropout recovery.

''(H) The State entity authorizes all charter schools in the State to serve as school food authorities.

''(g) LOCAL USES OF FUNDS.—An eligible applicant receiving a subgrant under this section shall use such funds to open new charter schools, open replicable, high-quality charter school models, or expand existing high-quality charter schools.

''(h) REPORTING REQUIREMENTS.—Each State entity receiving a grant under this section shall submit to the Secretary, at the end of the third year of the 5-year grant period and at the end of such grant period, a report on—

''(1) the number of students served under each subgrant awarded under this section and, if applicable, how many new students were served during each year of the subgrant period;

''(2) the number of subgrants awarded under this section to carry out each of the following—

''(A) the opening of new charter schools;

''(B) the opening of replicable, high-quality charter school models; and

''(C) the expansion of high-quality charter schools;

''(3) the progress the entity made toward meeting the priorities described in subsection (f)(2), as applicable;

''(4) how the entity met the objectives of the quality charter school program described in the entity's application under subsection (e);

''(5) how the entity complied with, and ensured that eligible applicants complied with, the assurances described in the entity's application; and

''(6) how the entity worked with authorized public chartering agencies and how such agencies worked with the management company or leadership of the schools that received subgrants under this section.

''(i) STATE ENTITY DEFINED.—For purposes of this section, the term 'State entity' means—

''(1) a State educational agency;

''(2) a State charter school board;

''(3) a Governor of a State; or

''(4) a charter support organization.

''SEC. 3104. FACILITIES FINANCING ASSISTANCE.

''(a) GRANTS TO ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—From the amount reserved under section 3102(b)(1), the Secretary shall award grants to eligible entities that have the highest-quality applications approved under subsection (d), after considering the diversity of such applications, to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

''(2) ELIGIBLE ENTITY DEFINED.—For purposes of this section, the term 'eligible entity' means—

''(A) a public entity, such as a State or local governmental entity;

''(B) a private nonprofit entity; or

''(C) a consortium of entities described in subparagraphs (A) and (B).

''(b) GRANTEE SELECTION.—The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.

''(c) GRANT CHARACTERISTICS.—Grants under subsection (a) shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—To receive a grant under subsection (a), an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

''(2) CONTENTS.—An application submitted under paragraph (1) shall contain—

''(A) a statement identifying the activities proposed to be undertaken with funds received under subsection (a), including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

''(B) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

''(C) a description of the eligible entity's expertise in capital market financing;

''(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of Federal, State, or local government funding used and otherwise enhance credit available to charter schools, including how the entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the entity under this section;

''(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought; and

''(F) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the charter schools need to have adequate facilities.

''(e) CHARTER SCHOOL OBJECTIVES.—An eligible entity receiving a grant under this section shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to access private sector capital to accomplish one or both of the following objectives:

''(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

''(2) The construction of new facilities, including predevelopment costs, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

''(f) RESERVE ACCOUNT.—

''(1) USE OF FUNDS.—To assist charter schools to accomplish the objectives described in subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) (other than funds used for administrative costs in accordance with subsection (g)) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

''(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e).

''(B) Guaranteeing and insuring leases of personal and real property for an objective described in subsection (e).

''(C) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

''(D) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

''(2) INVESTMENT.—Funds received under this section and deposited in the reserve account established under paragraph (1) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

''(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under subsection (a) shall be deposited in the reserve account established under paragraph (1) and used in accordance with such paragraph.

''(g) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).

''(h) AUDITS AND REPORTS.—

''(1) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

''(2) REPORTS.—

''(A) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) annually shall submit to the Secretary a report of its operations and activities under this section.

''(B) CONTENTS.—Each annual report submitted under subparagraph (A) shall include—

''(i) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

''(ii) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under paragraph (1) during the reporting period;

''(iii) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under subsection (a) in leveraging private funds;

''(iv) a listing and description of the charter schools served during the reporting period, including the amount of funds used by each school, the type of project facilitated by the grant, and the type of assistance provided to the charter schools;

''(v) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in subsection (e); and

''(vi) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this section (excluding subsection (k)) during the reporting period.

''(C) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

''(i) NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATION.—No financial obligation of an eligible entity entered into pursuant to this section (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this section.

''(j) RECOVERY OF FUNDS.—

''(1) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

''(A) all of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this section (excluding subsection (k)), that the eligible entity has failed to make substantial progress in carrying out the purposes described in subsection (f)(1); or

''(B) all or a portion of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in subsection (f)(1).

''(2) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in paragraph (1) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in subsection (f)(1).

''(3) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 1234, 1234a, 1234g) shall apply to the recovery of funds under paragraph (1).

''(4) CONSTRUCTION.—This subsection shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

''(k) PER-PUPIL FACILITIES AID PROGRAM.—

''(1) DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.—In this subsection, the term 'per-pupil facilities aid program' means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—

''(A) that is dedicated solely for funding charter school facilities; or

''(B) a portion of which is dedicated for funding charter school facilities.

''(2) GRANTS.—

''(A) IN GENERAL.—From the amount reserved under section 3102(b)(1) and remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering per-pupil facilities aid programs.

''(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

''(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

''(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

''(ii) 80 percent in the second such year;

''(iii) 60 percent in the third such year;

''(iv) 40 percent in the fourth such year; and

''(v) 20 percent in the fifth such year.

''(D) STATE SHARE.—A State receiving a grant under this subsection may partner with 1 or more organizations to provide up to 50 percent of the State share of the cost of establishing or enhancing, and administering the per-pupil facilities aid program.

''(E) MULTIPLE GRANTS.—A State may receive more than 1 grant under this subsection, so long as the amount of such funds provided to charter schools increases with each successive grant.

''(3) USE OF FUNDS.—

''(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State of the applicant.

''(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

''(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subsection shall be used to supplement, and not supplant, State, and local public funds expended to provide per pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

''(4) REQUIREMENTS.—

''(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.

''(B) STATE LAW.—

''(i) IN GENERAL.—Except as provided in clause (ii), to be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

''(I) is specified in State law; and

''(II) provides annual financing, on a per-pupil basis, for charter school facilities.

''(ii) SPECIAL RULE.—Notwithstanding clause (i), a State that is required under State law to provide its charter schools with access to adequate facility space, but which does not have a per-pupil facilities aid program for charter schools specified in State law, may be eligible to receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil facilities aid program consistent with the requirements of this subsection.

''(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''SEC. 3105. NATIONAL ACTIVITIES.

''(a) IN GENERAL.—From the amount reserved under section 3102(b)(2), the Secretary shall—

''(1) use not less than 50 percent of such funds to award grants in accordance with subsection (b); and

''(2) use the remainder of such funds to—

''(A) disseminate technical assistance to State entities in awarding subgrants under section 3103, and eligible entities and States receiving grants under section 3104;

''(B) disseminate best practices; and

''(C) evaluate the impact of the charter school program, including the impact on student achievement, carried out under this subpart.

''(b) GRANTS.—

''(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to eligible applicants for the purpose of carrying out the activities described in section 3102(a)(1), subparagraphs (A) through (C) of section 3103(a)(1), and section 3103(g).

''(2) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, grants awarded under this subsection shall have the same terms and conditions as grants awarded to State entities under section 3103.

''(3) ELIGIBLE APPLICANT DEFINED.—For purposes of this subsection, the term 'eligible applicant' means an eligible applicant that desires to open a charter school in—

''(A) a State that did not apply for a grant under section 3103;

''(B) a State that did not receive a grant under section 3103; or

''(C) a State that received a grant under section 3103 and is in the 4th or 5th year of the grant period for such grant.

''(c) CONTRACTS AND GRANTS.—The Secretary may carry out any of the activities described in this section directly or through grants, contracts, or cooperative agreements.

''SEC. 3106. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

''(a) IN GENERAL.—For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion.

''(b) ADJUSTMENT AND LATE OPENINGS.—

''(1) IN GENERAL.—The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data.

''(2) RULE.—For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for such academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.

''SEC. 3107. SOLICITATION OF INPUT FROM CHARTER SCHOOL OPERATORS.

''To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development of any rules, regulations, or nonregulatory guidance required to implement this subpart, as well as in the development of any rules, regulations, or nonregulatory guidance relevant to charter schools that are required to implement part A of title I, the Individuals with Disabilities Education Act, or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.

''SEC. 3108. RECORDS TRANSFER.

''State educational agencies and local educational agencies, as quickly as possible and to the extent practicable, shall ensure that a student's records and, if applicable, a student's individualized education program as defined in section 602(14) of the Individuals with Disabilities Education Act, are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

''SEC. 3109. PAPERWORK REDUCTION.

''To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this subpart results in a minimum of paperwork for any eligible applicant or charter school.

''SEC. 3110. DEFINITIONS.

''In this subpart:

''(1) AUTHORIZED PUBLIC CHARTERING AGENCY.—The term 'authorized public chartering agency' means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

''(2) CHARTER SUPPORT ORGANIZATION.—The term 'charter support organization' means a nonprofit, nongovernmental entity that provides, on a statewide or regional basis—

''(A) assistance to developers during the planning, program design, and initial implementation of a charter school; and

''(B) technical assistance to operate charter schools.

''(3) DEVELOPER.—The term 'developer' means an individual or group of individuals (including

a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

''(4) ELIGIBLE APPLICANT.—The term 'eligible applicant' means a developer that has—

''(A) applied to an authorized public chartering authority to operate a charter school; and

''(B) provided adequate and timely notice to that authority.

''(5) EXPANSION OF A HIGH-QUALITY CHARTER SCHOOL.—The term 'expansion of a high-quality charter school' means to significantly increase the enrollment of, or add one or more grades to, a high-quality charter school.

''(6) HIGH-QUALITY CHARTER SCHOOL.—The term 'high-quality charter school' means a charter school that—

''(A) shows evidence of strong academic results, which may include strong academic growth as determined by a State;

''(B) has no significant issues in the areas of student safety, financial management, or statutory or regulatory compliance;

''(C) has demonstrated success in significantly increasing student academic achievement and attainment for all students served by the charter school; and

''(D) has demonstrated success in increasing student academic achievement for the groups of students described in section 1111(b)(3)(B)(ii)(II), except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

''(7) REPLICABLE, HIGH-QUALITY CHARTER SCHOOL MODEL.—The term 'replicable, high-quality charter school model' means a high-quality charter school that has the capability of opening another such charter school under an existing charter.

''Subpart 2—Magnet School Assistance

''SEC. 3121. PURPOSE.

''The purpose of this subpart 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 include assisting in the efforts of the United States to achieve voluntary desegregation in public schools;

''(2) the development and implementation of magnet school programs that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet State academic standards;

''(3) the development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary schools and public secondary schools and public educational programs;

''(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable career, technical, and professional skills of students attending such schools;

''(5) improving the ability of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding for the magnet schools is terminated; and

''(6) ensuring that students enrolled in the magnet school programs have equitable access to a quality education that will enable the students to succeed academically and continue with postsecondary education or employment.

''SEC. 3122. DEFINITION.

''For the purpose of this subpart, the term 'magnet school' means a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

''SEC. 3123. PROGRAM AUTHORIZED.

''From the amount appropriated under section 3(c)(1)(B), the Secretary, in accordance with this subpart, is authorized to award grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this subpart 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. 3124. ELIGIBILITY.

''A local educational agency, or consortium of such agencies where appropriate, is eligible to receive a grant under this subpart to carry out the purpose of this subpart 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 a grant is awarded to such local educational agency, or consortium of such agencies, under this subpart, 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. 3125. APPLICATIONS AND REQUIREMENTS.

''(a) APPLICATIONS.—An eligible local educational agency, or consortium of such agencies, desiring to receive a grant under this subpart shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

''(b) INFORMATION AND ASSURANCES.—Each application submitted under subsection (a) shall include—

''(1) a description of—

''(A) how a grant awarded under this subpart will be used to promote desegregation, including how the proposed magnet school programs will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

''(B) the manner and extent to which the magnet school program will increase student academic achievement in the instructional area or areas offered by the school;

''(C) how the applicant will continue the magnet school program after assistance under this subpart is no longer available, and, if applicable, an explanation of why magnet schools established or supported by the applicant with grant funds under this subpart cannot be continued without the use of grant funds under this subpart;

''(D) how grant funds under this subpart will be used—

''(i) to improve student academic achievement for all students attending the magnet school programs; and

''(ii) to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate; and

''(E) the criteria to be used in selecting students to attend the proposed magnet school program; and

''(2) assurances that the applicant will—

''(A) use grant funds under this subpart for the purposes specified in section 3121;

''(B) employ effective teachers in the courses of instruction assisted under this subpart;

''(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 applicant or other personnel for whom the applicant has any administrative responsibility;

''(ii) the assignment of students to schools, or to courses of instruction within the schools, of such applicant, except to carry out the approved plan; and

''(iii) designing or operating extracurricular activities for students;

''(D) carry out a quality education program that will encourage greater parental decision-making and involvement; and

''(E) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students.

''(c) SPECIAL RULE.—No grant shall be awarded under this subpart unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

''SEC. 3126. PRIORITY.

''In awarding grants under this subpart, 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 approved desegregation plans and the magnet school program for which the grant is sought;

''(2) propose to carry out new magnet school programs, or significantly revise existing magnet school programs;

''(3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination; and

''(4) propose to serve the entire student population of a school.

''SEC. 3127. USE OF FUNDS.

''(a) IN GENERAL.—Grant funds made available under this subpart 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 of materials, equipment, and computers, necessary to conduct programs in magnet schools;

''(3) for the compensation, or subsidization of the compensation, of elementary school and secondary school teachers, and instructional staff where applicable, who are necessary to conduct 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 program to students who are enrolled in the school but who are not enrolled in the magnet school program; and

''(B) further the purpose of this subpart;

''(5) for activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended;

''(6) to enable the local educational agency, or consortium of such agencies, 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 of such agencies, to have flexibility in designing magnet schools for students in all grades.

''(b) SPECIAL RULE.—Grant funds under this subpart may be used for activities described in paragraphs (2) and (3) of subsection (a) only if the activities are directly related to improving

student academic achievement based on the State's academic standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving career, technical, and professional skills.

"SEC. 3128. LIMITATIONS.

''(a) DURATION OF AWARDS.—A grant under this subpart shall be awarded for a period that shall not exceed 3 fiscal years.

''(b) LIMITATION ON PLANNING FUNDS.—A local educational agency, or consortium of such agencies, may expend for planning (professional development shall not be considered to be planning for purposes of this subsection) not more than 50 percent of the grant funds received under this subpart for the first year of the program and not more than 15 percent of such funds for each of the second and third such years.

''(c) AMOUNT.—No local educational agency, or consortium of such agencies, awarded a grant under this subpart shall receive more than $4,000,000 under this subpart for any 1 fiscal year.

''(d) TIMING.—To the extent practicable, the Secretary shall award grants for any fiscal year under this subpart not later than July 1 of the applicable fiscal year.

"SEC. 3129. EVALUATIONS.

''(a) RESERVATION.—The Secretary may reserve not more than 2 percent of the funds appropriated under section 3(c)(1)(B) for any fiscal year to carry out evaluations, provide technical assistance, and carry out dissemination projects with respect to magnet school programs assisted under this subpart.

''(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 academic improvement;

''(2) the extent to which magnet school programs enhance student access to a 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; and

''(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.

''(c) DISSEMINATION.—The Secretary shall collect and disseminate to the general public information on successful magnet school programs.

"SEC. 3130. RESERVATION.

''In any fiscal year for which the amount appropriated under section 3(c)(1)(B) exceeds $75,000,000, the Secretary shall give priority in using such amounts in excess of $75,000,000 to awarding grants to local educational agencies or consortia of such agencies that did not receive a grant under this subpart in the preceding fiscal year.

"Subpart 3—Family Engagement in Education Programs

"SEC. 3141. PURPOSES.

''The purposes of this subpart are the following:

''(1) To provide financial support to organizations to provide technical assistance and training to State and local educational agencies in the implementation and enhancement of systemic and effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement.

''(2) To assist State educational agencies, local educational agencies, community-based organizations, schools, and educators in strengthening partnerships among parents, teachers, school leaders, administrators, and other school personnel in meeting the educational needs of children and fostering greater parental engagement.

''(3) To support State educational agencies, local educational agencies, schools, educators, and parents in developing and strengthening the relationship between parents and their children's school in order to further the developmental progress of children.

''(4) To coordinate activities funded under this subpart with parent involvement initiatives funded under section 1118 and other provisions of this Act.

''(5) To assist the Secretary, State educational agencies, and local educational agencies in the coordination and integration of Federal, State, and local services and programs to engage families in education.

"SEC. 3142. GRANTS AUTHORIZED.

''(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—From the amount appropriated under section 3(c)(1)(C), the Secretary is authorized to award grants for each fiscal year to statewide organizations (or consortia of such organizations), to establish Statewide Family Engagement Centers that provide comprehensive training and technical assistance to State educational agencies, local educational agencies, schools identified by State educational agencies and local educational agencies, organizations that support family-school partnerships, and other organizations that carry out, or carry out directly, parent education and family engagement in education programs.

''(b) MINIMUM AWARD.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure that a grant is awarded for a Statewide Family Engagement Center in an amount not less than $500,000.

"SEC. 3143. APPLICATIONS.

''(a) SUBMISSIONS.—Each statewide organization, or a consortium of such organizations, that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and including the information described in subsection (b).

''(b) CONTENTS.—Each application submitted under subsection (a) shall include, at a minimum, the following:

''(1) A description of the applicant's approach to family engagement in education.

''(2) A description of the support that the Statewide Family Engagement Center that will be operated by the applicant will have from the State educational agency and any partner organization outlining the commitment to work with the center.

''(3) A description of the applicant's plan for building a statewide infrastructure for family engagement in education, that includes—

''(A) management and governance;

''(B) statewide leadership; or

''(C) systemic services for family engagement in education.

''(4) A description of the applicant's demonstrated experience in providing training, information, and support to State educational agencies, local educational agencies, schools, educators, parents, and organizations on family engagement in education policies and practices that are effective for parents (including low-income parents) and families, English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students, including evaluation results, reporting, or other data exhibiting such demonstrated experience.

''(5) An assurance that the applicant will—

''(A) establish a special advisory committee, the membership of which includes—

''(i) parents, who shall constitute a majority of the members of the special advisory committee;

''(ii) representatives of education professionals with expertise in improving services for disadvantaged children;

''(iii) representatives of local elementary schools and secondary schools, including students;

''(iv) representatives of the business community; and

''(v) representatives of State educational agencies and local educational agencies;

''(B) use not less than 65 percent of the funds received under this subpart in each fiscal year to serve local educational agencies, schools, and community-based organizations that serve high concentrations of disadvantaged students, including English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students;

''(C) operate a Statewide Family Engagement Center of sufficient size, scope, and quality to ensure that the Center is adequate to serve the State educational agency, local educational agencies, and community-based organizations;

''(D) ensure that the Center will retain staff with the requisite training and experience to serve parents in the State;

''(E) serve urban, suburban, and rural local educational agencies and schools;

''(F) work with—

''(i) other Statewide Family Engagement Centers assisted under this subpart; and

''(ii) parent training and information centers and community parent resource centers assisted under sections 671 and 672 of the Individuals with Disabilities Education Act;

''(G) use not less than 30 percent of the funds received under this subpart for each fiscal year to establish or expand technical assistance for evidence-based parent education programs;

''(H) provide assistance to State educational agencies and local educational agencies and community-based organizations that support family members in supporting student academic achievement;

''(I) work with State educational agencies, local educational agencies, schools, educators, and parents to determine parental needs and the best means for delivery of services to address such needs; and

''(J) conduct sufficient outreach to assist parents, including parents who the applicant may have a difficult time engaging with a school or local educational agency.

"SEC. 3144. USES OF FUNDS.

''(a) IN GENERAL.—Grantees shall use grant funds received under this subpart, based on the needs determined under section 3143(b)(5)(I), to provide training and technical assistance to State educational agencies, local educational agencies, and organizations that support family-school partnerships, and activities, services, and training for local educational agencies, school leaders, educators, and parents—

''(1) to assist parents in participating effectively in their children's education and to help their children meet State standards, such as assisting parents—

''(A) to engage in activities that will improve student academic achievement, including understanding how they can support learning in the classroom with activities at home and in after-school and extracurricular programs;

''(B) to communicate effectively with their children, teachers, school leaders, counselors, administrators, and other school personnel;

''(C) to become active participants in the development, implementation, and review of school-parent compacts, family engagement in education policies, and school planning and improvement;

''(D) to participate in the design and provision of assistance to students who are not making academic progress;

''(E) to participate in State and local decision-making;

''(F) to train other parents; and

''(G) to help the parents learn and use technology applied in their children's education;

''(2) to develop and implement, in partnership with the State educational agency, statewide family engagement in education policy and systemic initiatives that will provide for a continuum of services to remove barriers for family

engagement in education and support school reform efforts; and

''(3) to develop and implement parental involvement policies under this Act.

''(b) MATCHING FUNDS FOR GRANT RENEWAL.—For each fiscal year after the first fiscal year for which an organization or consortium receives assistance under this section, the organization or consortium shall demonstrate in the application that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which may be in cash or in-kind.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall reserve not more than 2 percent of the funds appropriated under section 3(c)(1)(C) to carry out this subpart to provide technical assistance, by competitive grant or contract, for the establishment, development, and coordination of Statewide Family Engagement Centers.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a Statewide Family Engagement Center from—

''(1) having its employees or agents meet with a parent at a site that is not on school grounds; or

''(2) working with another agency that serves children.

''(e) PARENTAL RIGHTS.—Notwithstanding any other provision of this section—

''(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 under this section; and

''(2) no program or center 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.

''SEC. 3145. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.

''The Secretary of the Interior, in consultation with the Secretary of Education, shall establish, or enter into contracts and cooperative agreements with local Indian nonprofit parent organizations to establish and operate Family Engagement Centers.

''PART B—LOCAL ACADEMIC FLEXIBLE GRANT

''SEC. 3201. PURPOSE.

''The purpose of this part is to—

''(1) provide local educational agencies with the opportunity to access funds to support the initiatives important to their schools and students to improve academic achievement, including protecting student safety; and

''(2) provide nonprofit and for-profit entities the opportunity to work with students to improve academic achievement, including student safety.

''SEC. 3202. ALLOTMENTS TO STATES.

''(a) RESERVATIONS.—From the funds appropriated under section 3(c)(2) for any fiscal year, the Secretary shall reserve—

''(1) not more than one-half of 1 percent for national activities to provide technical assistance to eligible entities in carrying out programs under this part; and

''(2) not more than one-half of 1 percent for payments to the outlying areas and the Bureau of Indian Education, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

''(b) STATE ALLOTMENTS.—

''(1) DETERMINATION.—From the funds appropriated under section 3(c)(2) for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under chapter B of subpart 1 of part A of title I for the preceding fiscal year bears to the amount all States received under that chapter for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

''(2) REALLOTMENT OF UNUSED FUNDS.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

''(c) STATE USE OF FUNDS.—

''(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 75 percent of the amount allotted to the State under subsection (b) for each fiscal year for awards to eligible entities under section 3204.

''(2) AWARDS TO NONGOVERNMENTAL ENTITIES TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT.—Each State that receives an allotment under subsection (b) for each fiscal year shall reserve not less than 10 percent of the amount allotted to the State for awards to nongovernmental entities under section 3205.

''(3) STATE ACTIVITIES AND STATE ADMINISTRATION.—A State educational agency may reserve not more than 15 percent of the amount allotted to the State under subsection (b) for each fiscal year for the following:

''(A) Enabling the State educational agency—

''(i) to pay the costs of developing the State assessments and standards required under section 1111(b), which may include the costs of working, at the sole discretion of the State, in voluntary partnerships with other States to develop such assessments and standards; or

''(ii) if the State has developed the assessments and standards required under section 1111(b), to administer those assessments or carry out other activities related to ensuring that the State's schools and local educational agencies are helping students meet the State's academic standards under such section.

''(B) The administrative costs of carrying out its responsibilities under this part, except that not more than 5 percent of the reserved amount may be used for this purpose.

''(C) Monitoring and evaluation of programs and activities assisted under this part.

''(D) Providing training and technical assistance under this part.

''(E) Statewide academic focused programs.

''(F) Sharing evidence-based and other effective strategies with eligible entities.

''SEC. 3203. STATE APPLICATION.

''(a) IN GENERAL.—In order to receive an allotment under section 3202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, 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) describes how the State educational agency will use funds reserved for State-level activities, including how, if any, of the funds will be used to support student safety;

''(3) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include reviewing how the proposed project will help increase student academic achievement;

''(4) describes how the State educational agency will ensure that awards made under this part are—

''(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

''(B) in amounts that are consistent with section 3204(f);

''(5) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, and dissemination of evidence-based and other effective strategies;

''(6) describes how the State educational agency will consider students across all grades when making these awards;

''(7) an assurance that, other than providing technical and advisory assistance and monitoring compliance with this part, the State educational agency has not exercised and will not exercise any influence in the decision-making process of eligible entities as to the expenditure of funds received by the eligible entities under this part;

''(8) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;

''(9) contains an assurance that the State educational agency—

''(A) will make awards for programs for a period of not more than 5 years; and

''(B) will require each eligible entity seeking such an award to submit a plan describing how the project to be funded through the award will continue after funding under this part ends, if applicable; and

''(10) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, State and local public funds expended to provide programs and activities authorized under this part and other similar programs.

''(b) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

''(c) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

''(d) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

''(1) give the State educational agency notice and an opportunity for a hearing; and

''(2) notify the State educational agency of the finding of noncompliance, and, in such notification, shall—

''(A) cite the specific provisions in the application that are not in compliance; and

''(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

''(e) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

''(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

''(2) the expiration of the 120-day period described in subsection (b).

''(f) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

''(g) RULE OF CONSTRUCTION.—An application submitted by a State educational agency pursuant to subsection (a) shall not be approved or disapproved based upon the activities for which the agency may make funds available to eligible entities under section 3204 if the agency's use of funds is consistent with section 3204(b).

''SEC. 3204. LOCAL COMPETITIVE GRANT PROGRAM.

''(a) IN GENERAL.—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 3202(c)(1) to eligible entities in accordance with this section.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity that receives an award under this part shall use the funds for activities that—

''(A) are evidence-based;

''(B) will improve student academic achievement;

''(C) are allowable under State law; and

''(D) focus on one or more projects from the following two categories:

''(i) Supplemental student support activities such as before, after, or summer school activities, tutoring, and expanded learning time, but not including athletics or in-school learning activities.

''(ii) Activities designed to support students, such as academic subject specific programs, adjunct teacher programs, extended learning time programs, dual enrollment programs, and parent engagement, but not including activities to—

''(I) support smaller class sizes or construction; or

''(II) provide compensation or benefits to teachers, school leaders, other school officials, or local educational agency staff.

''(2) PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.—An eligible entity that receives an award under this part shall ensure compliance with section 5501 (relating to participation of children enrolled in private schools).

''(c) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive an award under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require, including the contents required by paragraph (2).

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

''(A) a description of the activities to be funded and how they are consistent with subsection (b), including any activities that will increase student safety;

''(B) an assurance that funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant State, local, or non-Federal funds;

''(C) an assurance that the community will be given notice of an intent to submit an application with an opportunity for comment, and that the application will be available for public review after submission of the application; and

''(D) an assurance that students who benefit from any activity funded under this part shall continue to maintain enrollment in a public elementary or secondary school.

''(d) REVIEW.—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 but the review shall be limited to the likelihood that the project will increase student academic achievement.

''(e) GEOGRAPHIC DIVERSITY.—A State educational agency shall distribute funds under this part equitably among geographic areas within the State, including rural, suburban, and urban communities.

''(f) AWARD.—A grant shall be awarded to all eligible entities that submit an application that meets the requirements of this section in an amount that is not less than $10,000, but there shall be only one award granted to any one local educational agency, but such award may be for multiple projects or programs with the local educational agency.

''(g) DURATION OF AWARDS.—Grants under this part may be awarded for a period of not more than 5 years.

''(h) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

''(1) a local educational agency in partnership with a community-based organization, business entity, or nongovernmental entity;

''(2) a consortium of local educational agencies working in partnership with a community-based organization, business entity, or nongovernmental entity;

''(3) a community-based organization in partnership with a local educational agency and, if applicable, a business entity or nongovernmental entity; or

''(4) a business entity in partnership with a local educational agency and, if applicable, a community-based organization or nongovernmental entity.

''SEC. 3205. AWARDS TO NONGOVERNMENTAL ENTITIES TO IMPROVE ACADEMIC ACHIEVEMENT.

''(a) IN GENERAL.—From the amount reserved under section 3202(c)(2), a State educational agency shall award grants to nongovernmental entities, including public or private organizations, community-based or faith-based organizations, and business entities for a program or project to increase the academic achievement of public school students attending public elementary or secondary schools (or both) in compliance with the requirements in this section. Subject to the availability of funds, the State educational agency shall award a grant to each eligible applicant that meets the requirements in a sufficient size and scope to support the program.

''(b) APPLICATION.—The State educational agency shall require an application that includes the following information:

''(1) A description of the program or project the applicant will use the funds to support.

''(2) A description of how the applicant is using or will use other State, local, or private funding to support the program or project.

''(3) A description of how the program or project will help increase student academic achievement, including the evidence to support this claim.

''(4) A description of the student population the program or project is targeting to impact, and if the program will prioritize students in high-need local educational agencies.

''(5) A description of how the applicant will conduct sufficient outreach to ensure students can participate in the program or project.

''(6) A description of any partnerships the applicant has entered into with local educational agencies or other entities the applicant will work with, if applicable.

''(7) A description of how the applicant will work to share evidence-based and other effective strategies from the program or project with local educational agencies and other entities working with students to increase academic achievement.

''(8) An assurance that students who benefit from any program or project funded under this section shall continue to maintain enrollment in a public elementary or secondary school.

''(c) MATCHING CONTRIBUTION.—An eligible applicant receiving a grant under this section 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.

''(d) REVIEW.—The State educational agency shall review the application to ensure that—

''(1) the applicant is an eligible applicant;

''(2) the application clearly describes the required elements in subsection (b);

''(3) the entity meets the matching requirement described in subsection (c); and

''(4) the program is allowable and complies with Federal, State, and local laws.

''(e) DISTRIBUTION OF FUNDS.—If the application requests exceed the funds available, the State educational agency shall prioritize projects that support students in high-need local educational agencies and ensure geographic diversity, including serving rural, suburban, and urban areas.

''(f) ADMINISTRATIVE COSTS.—Not more than 1 percent of a grant awarded under this section may be used for administrative costs.

''SEC. 3206. REPORT.

''Each recipient of a grant under section 3204 or 3205 shall report to the State educational agency on—

''(1) the success of the program in reaching the goals of the program;

''(2) a description of the students served by the program and how the students' academic achievement improved; and

''(3) the results of any evaluation conducted on the success of the program.''.

TITLE IV—IMPACT AID

SEC. 401. PURPOSE.

Section 8001 (20 U.S.C. 7701) is amended by striking ''challenging State standards'' and inserting ''State academic standards''.

SEC. 402. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 (20 U.S.C. 7702) is amended—

(1) in subsection (b)(1)(B), by striking ''section 8014(a)'' and inserting ''section 3(d)(1)''; and

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

''(f) SPECIAL RULE.—Beginning with fiscal year 2014, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if records to determine eligibility under such subsection were destroyed prior to fiscal year 2000 and the agency received funds under subsection (b) in the previous year.'';

(3) by amending subsection (g) to read as follows:

''(g) FORMER DISTRICTS.—

''(1) CONSOLIDATIONS.—For fiscal year 2006 and each succeeding fiscal year, if a local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of two or more former school districts, the local educational agency may elect to have the Secretary determine its eligibility and any amount for which the local educational agency is eligible under this section for such fiscal year on the basis of one or more of those former districts, as designated by the local educational agency.

''(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency described in this paragraph is—

''(A) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for, and was determined to be eligible under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as that section was in effect for that fiscal year; or

''(B) a local educational agency formed by the consolidation of 2 or more school districts, at least one of which was eligible for assistance under this section for the fiscal year preceding the year of the consolidation, if—

''(i) for fiscal years 2006 through 2013, the local educational agency notifies the Secretary not later than 30 days after the date of enactment of the Student Success Act of the designation described in paragraph (1); and

''(ii) for fiscal year 2014, and each subsequent fiscal year, the local educational agency includes the designation in its application under section 8005 or any timely amendment to such application.

''(3) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after fiscal year 2005, the Secretary may obligate funds remaining after final payments have been made for any of such fiscal years to carry out this subsection.'';

(4) in subsection (h)—

(A) in paragraph (2)—

(i) in subparagraph (C)(ii), by striking ''section 8014(a)'' and inserting ''section 3(d)(1)''; and

(ii) in subparagraph (D), by striking ''section 8014(a)'' and inserting ''section 3(d)(1)''; and

(B) in paragraph (4), by striking ''Impact Aid Improvement Act of 2012'' and inserting ''Student Success Act'';

(5) by repealing subsections (k) and (m);

(6) by redesignating subsection (l) as subsection (j);

(7) by amending subsection (j) (as so redesignated) by striking ''(h)(4)(B)'' and inserting ''(h)(2)''; and

(8) by redesignating subsection (n) as subsection (k).

SEC. 403. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

(a) COMPUTATION OF PAYMENT.—Section 8003(a) (20 U.S.C. 7703(a)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1), by inserting after ''schools of such agency'' the following: ''(including those children enrolled in such agency as a result of the open enrollment policy of the State in which the agency is located, but not including children who are enrolled in a distance education program at such agency and who are not residing within the geographic boundaries of such agency)''; and

(2) in paragraph (5)(A), by striking ''1984'' and all that follows through ''situated'' and inserting ''1984, or under lease of off-base property under subchapter IV of chapter 169 of title 10, United States Code, to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility or attached to and under any type of force protection agreement with the military installation upon which such housing is situated''.

(b) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—Section 8003(b) (20 U.S.C. 7703(b)) is amended—

(1) by striking ''section 8014(b)'' each place it appears and inserting ''section 3(d)(2)'';

(2) in paragraph (1), by repealing subparagraph (E);

(3) in paragraph (2)—

(A) in subparagraph (A), by inserting at the end the following:

''(iii) The Secretary shall—

''(I) deem each local educational agency that received a basic support payment under this paragraph for fiscal year 2009 as eligible to receive a basic support payment under this paragraph for each of fiscal years 2012, 2013, and 2014; and

''(II) make a payment to each such local educational agency under this paragraph for each of fiscal years 2012, 2013, and 2014.''; and

(B) in subparagraph (B)—

(i) by striking ''CONTINUING'' in the heading;

(ii) by amending clause (i) to read as follows:

''(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) is a local educational agency—

''(aa) whose boundaries are the same as a Federal military installation or an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

''(bb) that has no taxing authority;

''(II) is a local educational agency that—

''(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 45 percent;

''(bb) has a per-pupil expenditure that is less than—

''(AA) for an agency that has a total student enrollment of 500 or more students, 125 percent of the average per-pupil expenditure of the State in which the agency is located; or

''(BB) for any agency that has a total student enrollment less than 500, 150 percent of the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of 3 or more comparable local educational agencies in the State in which the agency is located; and

''(cc) is an agency that—

''(AA) 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 comparable local educational agencies in the State; or

''(BB) was eligible to receive a payment under this subsection for fiscal year 2013 and is located in a State that by State law has eliminated ad valorem tax as a revenue for local educational agencies;

''(III) is a local educational agency that—

''(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 20 percent;

''(bb) for the 3 fiscal years preceding the fiscal year for which the determination is made, the average enrollment of children who are not described in subsection (a)(1) and who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act constitutes a percentage of the total student enrollment of the agency that is not less than 65 percent; and

''(cc) 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 comparable local educational agencies in the State;

''(IV) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which—

''(aa) not less than 50 percent are children described in subsection (a)(1); and

''(bb) not less than 5,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

''(V) is a local educational agency that—

''(aa) has an enrollment of children described in subsection (a)(1) including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that is not less than 35 percent of the total student enrollment of the agency; and

''(bb) was eligible to receive assistance under subparagraph (A) for fiscal year 2001.''; and

(iii) in clause (ii)—

(I) by striking ''A heavily'' and inserting the following:

''(I) IN GENERAL.—Subject to subclause (II), a heavily''; and

(II) by adding at the end the following:

''(II) LOSS OF ELIGIBILITY DUE TO FALLING BELOW 95 PERCENT OF THE AVERAGE TAX RATE FOR GENERAL FUND PURPOSES.—In a case of a heavily impacted local educational agency that is eligible to receive a basic support payment under subparagraph (A), but that has had, for 2 consecutive fiscal years, a tax rate for general fund purposes that falls below 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State, such agency shall be determined to be ineligible under clause (i) and ineligible to receive a basic support payment under subparagraph (A) for each fiscal year succeeding such 2 consecutive fiscal years for which the agency has such a tax rate for general fund purposes, and until the fiscal year for which the agency resumes such eligibility in accordance with clause (iii).'';

(C) by striking subparagraph (C);

(D) by redesignating subparagraphs (D) through (H) as subparagraphs (C) through (G), respectively;

(E) in subparagraph (C) (as so redesignated)—

(i) in the heading, by striking ''REGULAR'';

(ii) by striking ''Except as provided in subparagraph (E)'' and inserting ''Except as provided in subparagraph (D)'';

(iii) by amending subclause (I) of clause (ii) to read as follows: ''(I)(aa) 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), and that has an enrollment of children described in subparagraphs (A), (B), or (C) of such subsection equal to at least 10 percent of the agency's total enrollment, the Secretary shall calculate the weighted student units of those children described in subparagraph (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55.

''(bb) Notwithstanding subitem (aa), a local educational agency that received a payment under this paragraph for fiscal year 2013 shall not be required to have an enrollment of children described in subparagraphs (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency's total enrollment.''; and

(iv) by amending subclause (III) of clause (ii) by striking ''(B)(i)(II)(aa)'' and inserting ''subparagraph (B)(i)(I)'';

(F) in subparagraph (D)(i)(II) (as so redesignated), by striking ''6,000'' and inserting ''5,500'';

(G) in subparagraph (E) (as so redesignated)—

(i) by striking ''Secretary'' and all that follows through ''shall use'' and inserting ''Secretary shall use'';

(ii) by striking ''; and'' and inserting a period; and

(iii) by striking clause (ii);

(H) in subparagraph (F) (as so redesignated), by striking ''subparagraph (C)(i)(II)(bb)'' and inserting ''subparagraph (B)(i)(II)(bb)(BB)'';

(I) in subparagraph (G) (as so redesignated)—

(i) in clause (i)—

(I) by striking ''subparagraph (B), (C), (D), or (E)'' and inserting ''subparagraph (B), (C), or (D)'';

(II) by striking ''by reason of'' and inserting ''due to'';

(III) by inserting after ''clause (iii)'' the following '', or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense and force structure change or force relocation''; and

(IV) by inserting before the period, the following: ''or during such time as activities associated with base closure and realignment, modularization, force structure change, or force relocation are ongoing''; and

(ii) in clause (ii), by striking ''(D) or (E)'' each place it appears and inserting ''(C) or (D)'';

(4) in paragraph (3)—

(A) in subparagraph (B)—

(i) by amending clause (iii) to read as follows:

''(iii) In the case of a local educational agency providing a free public education to students enrolled in kindergarten through grade 12, but which enrolls students described in subparagraphs (A), (B), and (D) of subsection (a)(1) only in grades 9 through 12, and which received a final payment in fiscal year 2009 calculated under this paragraph (as this paragraph was in effect on the day before the date of enactment of the Student Success Act) for students in grades 9 through 12, the Secretary shall, in calculating the agency's payment, consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under clause (i)(I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under clause (i)(II).''; and

(ii) by adding at the end the following:

''(v) In the case of a local educational agency that is providing a program of distance education to children not residing within the geographic boundaries of the agency, the Secretary shall—

''(I) for purposes of the calculation under clause (i)(I), disregard such children from the total number of children in average daily attendance at the schools served by such agency; and

''(II) for purposes of the calculation under clause (i)(II), disregard any funds received for such children from the total current expenditures for such agency.'';

(B) in subparagraph (C), by striking ''subparagraph (D) or (E) of paragraph (2), as the case may be'' and inserting ''paragraph (2)(D)''; and

(C) by amending subparagraph (D) to read as follows:

''(D) RATABLE DISTRIBUTION.—For any fiscal year described in subparagraph (A) for which the sums available exceed the amount required to pay each local educational agency 100 percent of its threshold payment, the Secretary

shall distribute the excess sums to each eligible local educational agency that has not received its full amount computed under paragraph (1) or (2) (as the case may be) by multiplying—

''(i) a percentage, the denominator of which is the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for all local educational agencies and the amount of the threshold payment (as calculated under subparagraphs (B) and (C)) of all local educational agencies, and the numerator of which is the aggregate of the excess sums, by

''(ii) the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for the agency and the amount of the threshold payment as calculated under subparagraphs (B) and (C) of the agency.''; and

(D) by inserting at the end the following new subparagraphs:

''(E) INSUFFICIENT PAYMENTS.—For each fiscal year described in subparagraph (A) for which the sums appropriated under section 3(d)(2) are insufficient to pay each local educational agency all of the local educational agency's threshold payment described in subparagraph (D), the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

''(F) INCREASES.—If the sums appropriated under section 3(d)(2) are sufficient to increase the threshold payment above the 100 percent threshold payment described in subparagraph (D), then the Secretary shall increase payments on the same basis as such payments were reduced, except no local educational agency may receive a payment amount greater than 100 percent of the maximum payment calculated under this subsection.''; and

(5) in paragraph (4)—

(A) in subparagraph (A), by striking ''through (D)'' and inserting ''and (C)''; and

(B) in subparagraph (B), by striking ''subparagraph (D) or (E)'' and inserting ''subparagraph (C) or (D)''.

(c) PRIOR YEAR DATA.—Paragraph (2) of section 8003(c) (20 U.S.C. 7703(c)) is amended to read as follows:

''(2) EXCEPTION.—Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment if such agency—

''(A) is newly established by a State, for the first year of operation of such agency only;

''(B) was eligible to receive a payment under this section for the previous fiscal year and has had an overall increase in enrollment (as determined by the Secretary in consultation with the Secretary of Defense, the Secretary of Interior, or the heads of other Federal agencies)—

''(i) of not less than 10 percent, or 100 students, of children described in—

''(I) subparagraph (A), (B), (C), or (D) of subsection (a)(1); or

''(II) subparagraph (F) and (G) of subsection (a)(1), but only to the extent such children are civilian dependents of employees of the Department of Defense or the Department of Interior; and

''(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of the force structure changes or movements of units or personnel between military installations or because of actions initiated by the Secretary of the Interior or the head of another Federal agency; or

''(C) was eligible to receive a payment under this section for the previous fiscal year and has had an increase in enrollment (as determined by the Secretary)—

''(i) of not less than 10 percent of children described in subsection (a)(1) or not less than 100 of such children; and

''(ii) that is the direct result of the closure of a local educational agency that received a payment under subsection (b)(1) or (b)(2) in the previous fiscal year.''.

(d) CHILDREN WITH DISABILITIES.—Section 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking ''section 8014(c)'' and inserting ''section 3(d)(3)''.

(e) HOLD-HARMLESS.—Section 8003(e) (20 U.S.C. 7703(e)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Subject to paragraph (2), the total amount the Secretary shall pay a local educational agency under subsection (b)—

''(A) for fiscal year 2014, shall not be less than 90 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2013;

''(B) for fiscal year 2015, shall not be less than 85 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2013; and

''(C) for fiscal year 2016, shall not be less than 80 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2013.''; and

(2) by amending paragraph (2) to read as follows:

''(2) MAXIMUM AMOUNT.—The total amount provided to a local educational agency under subparagraph (A), (B), or (C) of paragraph (1) for a fiscal year shall not exceed the maximum basic support payment amount for such agency determined under paragraph (1) or (2) of subsection (b), as the case may be, for such fiscal year.''.

(f) MAINTENANCE OF EFFORT.—Section 8003 (20 U.S.C. 7703) is amended by striking subsection (g).

SEC. 404. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

Section 8004(e)(9) is amended by striking ''Bureau of Indian Affairs'' and inserting ''Bureau of Indian Education''.

SEC. 405. APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.

Section 8005(b) (20 U.S.C. 7705(b)) is amended in the matter preceding paragraph (1) by striking ''and shall contain such information,''.

SEC. 406. CONSTRUCTION.

Section 8007 (20 U.S.C. 7707) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''section 8014(e)'' and inserting ''section 3(d)(4)'';

(B) in paragraph (2), by adding at the end the following:

''(C) The agency is eligible under section 4003(b)(2) or is receiving basic support payments under circumstances described in section 4003(b)(2)(B)(ii).''; and

(C) in paragraph (3), by striking ''section 8014(e)'' each place it appears and inserting ''section 3(d)(4)''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''section 8014(e)'' and inserting ''section 3(d)(4)'';

(B) in paragraph (3)—

(i) in subparagraph (C)(i)(I), by adding at the end the following:

''(cc) At least 10 percent of the property in the agency is exempt from State and local taxation under Federal law.''; and

(ii) by adding at the end the following:

''(F) LIMITATIONS ON ELIGIBILITY REQUIREMENTS.—The Secretary shall not limit eligibility—

''(i) under subparagraph (C)(i)(I)(aa), to those local educational agencies in which the number of children determined under section 8003(a)(1)(C) for each such agency for the preceding school year constituted more than 40 percent of the total student enrollment in the schools of each such agency during the preceding school year; and

''(ii) under subparagraph (C)(i)(I)(cc), to those local educational agencies in which more than 10 percent of the property in each such agency is exempt from State and local taxation under Federal law.'';

(C) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking ''in such manner, and accompanied by such information'' and inserting ''and in such manner''; and

(ii) by striking subparagraph (F); and

(D) by striking paragraph (7).

SEC. 407. FACILITIES.

Section 8008 (20 U.S.C. 7708) is amended in subsection (a), by striking ''section 8014(f)'' and inserting ''section 3(d)(5)''.

SEC. 408. STATE CONSIDERATION OF PAYMENTS PROVIDING STATE AID.

Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is amended by striking ''and contain the information''.

SEC. 409. FEDERAL ADMINISTRATION.

Section 8010(d)(2) (20 U.S.C. 7710(d)(2)) is amended, by striking ''section 8014'' and inserting ''section 3(d)''.

SEC. 410. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

Section 8011(a) (20 U.S.C. 7711(a)) is amended by striking ''or under the Act'' and all the follows through ''1994)''.

SEC. 411. DEFINITIONS.

Section 8013 (20 U.S.C. 7713) is amended—

(1) in paragraph (1), by striking ''and Marine Corps'' and inserting ''Marine Corps, and Coast Guard'';

(2) in paragraph (4), by striking ''and title VI'';

(3) in paragraph (5)(A)(iii)—

(A) in subclause (II), by striking ''Stewart B. McKinney Homeless Assistance Act'' and inserting ''McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411)''; and

(B) in subclause (III), by inserting before the semicolon, ''(25 U.S.C. 4101 et seq.)'';

(4) in paragraph (8)(A), by striking ''and verified by'' and inserting '', and verified by,''; and

(5) in paragraph (9)(B), by inserting a comma before ''on a case-by-case basis''.

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

Section 8014 (20 U.S.C. 7801) is repealed.

SEC. 413. CONFORMING AMENDMENTS.

(a) IMPACT AID IMPROVEMENT ACT OF 2012.—Subsection (c) of the Impact Aid Improvement Act of 2012 (20 U.S.C. 6301 note; Public Law 112–239; 126 Stat 1748) is amended—

(1) by striking paragraphs (1) and (4); and

(2) by redesignating paragraphs (2) and (3), as paragraphs (1) and (2), respectively.

(b) REPEAL.—Title IV (20 U.S.C. 7101 et seq.), as amended by section 501(b)(2) of this Act, is repealed.

(c) TRANSFER AND REDESIGNATION.—Title VIII (20 U.S.C. 7701 et seq.), as amended by this title, is redesignated as title IV (20 U.S.C. 7101 et seq.), and transferred and inserted after title III (as amended by this Act).

(d) TITLE VIII REFERENCES.—The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating sections 8001 through 8005 as sections 4001 through 4005, respectively;

(2) by redesignating sections 8007 through 8013 as sections 4007 through 4013, respectively;

(3) by striking ''section 8002'' each place it appears and inserting ''section 4002'';

(4) by striking ''section 8002(b)'' each place it appears and inserting ''section 4002(b)'';

(5) by striking ''section 8003'' each place it appears and inserting ''section 4003'', respectively;

(6) by striking ''section 8003(a)'' each place it appears and inserting ''section 4003(a)'';

(7) by striking ''section 8003(a)(1)'' each place it appears and inserting ''section 4003(a)(1)'';

(8) by striking ''section 8003(a)(1)(C)'' each place it appears and inserting ''section 4003(a)(1)(C)'';

(9) by striking ''section 8002(a)(2)'' each place it appears and inserting ''section 4002(a)(2)'';

(10) by striking ''section 8003(b)'' each place it appears and inserting ''section 4003(b)'';

(11) by striking ''section 8003(b)(1)'' each place it appears and inserting ''section 4003(b)(1)'';

(12) in section 4002(b)(1)(C) (as so redesignated), by striking ''section 8003(b)(1)(C)'' and inserting ''section 4003(b)(1)(C)'';

(13) in section 4002(k)(1) (as so redesignated), by striking ''section 8013(5)(C)(iii)'' and inserting ''section 4013(5)(C)(iii)'';

(14) in section 4005 (as so redesignated)—

*(A) in the section heading, by striking ''**8002 AND 8003**'' and inserting ''**4002 AND 4003**'';*

(B) by striking ''or 8003'' each place it appears and inserting ''or 4003'';

(C) in subsection (b)(2), by striking ''section 8004'' and inserting ''section 4004''; and

(D) in subsection (d)(2), by striking ''section 8003(e)'' and inserting ''section 4003(e)'';

(15) in section 4007(a)(3)(A)(i)(II) (as so redesignated), by striking ''section 8008(a)'' and inserting ''section 4008(a)'';

(16) in section 4007(a)(4) (as so redesignated), by striking ''section 8013(3)'' and inserting ''section 4013(3)''; and

(17) in section 4009 (as so redesignated)—

(A) in subsection (b)(1)—

(i) by striking ''or 8003(b)'' and inserting ''or 4003(b)'';

(ii) by striking ''section 8003(a)(2)(B)'' and inserting ''section 4003(a)(2)(B)''; and

(iii) by striking ''section 8003(b)(2)'' each place it appears and inserting ''section 4003(b)(2)'';

(B) by striking ''section 8011(a)'' each place it appears and inserting ''section 4011(a)''; and

(18) in section 4010(c)(2)(D) (as so redesignated) by striking ''section 8009(b)'' and inserting ''section 4009(b)''.

TITLE V—GENERAL PROVISIONS FOR THE ACT

SEC. 501. GENERAL PROVISIONS FOR THE ACT.

(a) AMENDING TITLE V.—Title V (20 U.S.C. 7201 et seq.) is amended to read as follows:

''TITLE V—GENERAL PROVISIONS

''PART A—DEFINITIONS

''SEC. 5101. DEFINITIONS.

''Except as otherwise provided, in this Act:

''(1) AVERAGE DAILY ATTENDANCE.—

''(A) IN GENERAL.—Except as provided otherwise by State law or this paragraph, the term 'average daily attendance' means—

''(i) the aggregate number of days of attendance of all students during a school year; divided by

''(ii) the number of days school is in session during that year.

''(B) CONVERSION.—The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership (or other similar data).

''(C) SPECIAL RULE.—If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for the purpose of this Act—

''(i) consider the child to be in attendance at a school of the agency making the payment; and

''(ii) not consider the child to be in attendance at a school of the agency receiving the payment.

''(D) CHILDREN WITH DISABILITIES.—If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act, the Secretary shall, for the purpose of this Act, consider the child to be in attendance at a school of the agency making the payment.

''(2) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

''(A) without regard to the source of funds—

''(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States, for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

''(ii) any direct current expenditures by the State for the operation of those agencies; divided by

''(B) the aggregate number of children in average daily attendance to whom those agencies provided free public education during that preceding year.

''(3) CHARTER SCHOOL.—The term 'charter school' means a public school that—

''(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

''(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

''(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

''(D) provides a program of elementary or secondary education, or both;

''(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

''(F) does not charge tuition;

''(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

''(H) is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

''(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;

''(J) meets all applicable Federal, State, and local health and safety requirements;

''(K) operates in accordance with State law;

''(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school; and

''(M) may serve prekindergarten or post secondary students.

''(4) CHILD.—The term 'child' means any person within the age limits for which the State provides free public education.

''(5) CHILD WITH A DISABILITY.—The term 'child with a disability' has the same meaning given that term in section 602 of the Individuals with Disabilities Education Act.

''(6) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a public or private nonprofit organization of demonstrated effectiveness that—

''(A) is representative of a community or significant segments of a community; and

''(B) provides educational or related services to individuals in the community.

''(7) CONSOLIDATED LOCAL APPLICATION.—The term 'consolidated local application' means an application submitted by a local educational agency pursuant to section 5305.

''(8) CONSOLIDATED LOCAL PLAN.—The term 'consolidated local plan' means a plan submitted by a local educational agency pursuant to section 5305.

''(9) CONSOLIDATED STATE APPLICATION.—The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 5302.

''(10) CONSOLIDATED STATE PLAN.—The term 'consolidated State plan' means a plan submitted by a State educational agency pursuant to section 5302.

''(11) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

''(12) COUNTY.—The term 'county' means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

''(13) COVERED PROGRAM.—The term 'covered program' means each of the programs authorized by—

''(A) part A of title I;

''(B) title II; and

''(C) title III.

''(14) CURRENT EXPENDITURES.—The term 'current expenditures' means expenditures for free public education—

''(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

''(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I.

''(15) DEPARTMENT.—The term 'Department' means the Department of Education.

''(16) DIRECT STUDENT SERVICES.—The term 'direct student services' means public school choice or high-quality academic tutoring that are designed to help increase academic achievement for students.

''(17) DISTANCE EDUCATION.—The term 'distance education' means the use of one or more technologies to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor synchronously or nonsynchronously.

''(18) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

''(19) ELEMENTARY SCHOOL.—The term 'elementary school' means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

''(20) ENGLISH LEARNER.—The term 'English learner', when used with respect to an individual, means an individual—

''(A) who is aged 3 through 21;

''(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

''(C)(i) who was not born in the United States or whose native language is a language other than English;

''(ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and

''(II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

''(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

''(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

''(i) the ability to meet the State's academic standards described in section 1111;

''(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

''(iii) the opportunity to participate fully in society.

''(21) EXTENDED-YEAR ADJUSTED COHORT GRADUATION RATE.—

''(A) IN GENERAL.—The term 'extended-year adjusted cohort graduation rate' means the ratio where—

''(i) the denominator consists of the number of students who form the original cohort of entering first-time 9th grade students enrolled in the high school no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics under section 153 of the Education Sciences Reform Act, adjusted by—

''(I) adding the students who joined that cohort, after the time of the determination of the original cohort; and

''(II) subtracting only those students who left that cohort, after the time of the determination of the original cohort, as described in subparagraph (B); and

''(ii) the numerator consists of the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

''(I) one or more additional years beyond the fourth year of high school; or

''(II) a summer session immediately following the additional year of high school.

''(B) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, transferred to a prison or juvenile facility, or is deceased.

''(C) TRANSFERRED OUT.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'transferred out' means a student who the high school or local educational agency has confirmed, according to clause (ii), has transferred—

''(I) to another school from which the student is expected to receive a regular high school diploma; or

''(II) to another educational program from which the student is expected to receive a regular high school diploma.

''(ii) CONFIRMATION REQUIREMENTS.—

''(I) DOCUMENTATION REQUIRED.—The confirmation of a student's transfer to another school or educational program described in clause (i) requires documentation from the receiving school or program that the student enrolled in the receiving school or program.

''(II) LACK OF CONFIRMATION.—A student who was enrolled, but for whom there is no confirmation of the student having transferred out, shall remain in the denominator of the extended-year adjusted cohort.

''(iii) PROGRAMS NOT PROVIDING CREDIT.—A student who is retained in grade or who is enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular high school diploma shall not be considered transferred out and shall remain in the extended-year adjusted cohort.

''(D) SPECIAL RULE.—For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act.

''(22) FAMILY LITERACY SERVICES.—The term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

''(A) Interactive literacy activities between parents and their children.

''(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

''(C) Parent literacy training that leads to economic self-sufficiency.

''(D) An age-appropriate education to prepare children for success in school and life experiences.

''(23) FOUR-YEAR ADJUSTED COHORT GRADUATION RATE.—

''(A) IN GENERAL.—The term 'four-year adjusted cohort graduation rate' means the ratio where—

''(i) the denominator consists of the number of students who form the original cohort of entering first-time 9th grade students enrolled in the high school no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act, adjusted by—

''(I) adding the students who joined that cohort, after the time of the determination of the original cohort; and

''(II) subtracting only those students who left that cohort, after the time of the determination of the original cohort, as described in subparagraph (B); and

''(ii) the numerator consists of the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

''(I) the fourth year of high school; or

''(II) a summer session immediately following the fourth year of high school.

''(B) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, transferred to a prison or juvenile facility, or is deceased.

''(C) TRANSFERRED OUT.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'transferred out' means a student who the high school or local educational agency has confirmed, according to clause (ii), has transferred—

''(I) to another school from which the student is expected to receive a regular high school diploma; or

''(II) to another educational program from which the student is expected to receive a regular high school diploma.

''(ii) CONFIRMATION REQUIREMENTS.—

''(I) DOCUMENTATION REQUIRED.—The confirmation of a student's transfer to another school or educational program described in clause (i) requires documentation from the receiving school or program that the student enrolled in the receiving school or program.

''(II) LACK OF CONFIRMATION.—A student who was enrolled, but for whom there is no confirmation of the student having transferred out, shall remain in the adjusted cohort.

''(iii) PROGRAMS NOT PROVIDING CREDIT.—A student who is retained in grade or who is enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular high school diploma shall not be considered transferred out and shall remain in the adjusted cohort.

''(D) SPECIAL RULE.—For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act.

''(24) 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 school or secondary school education as determined under applicable State law, except that the term does not include any education provided beyond grade 12.

''(25) GIFTED AND TALENTED.—The term 'gifted and talented', when used with respect to students, children, or youth, means students, children, or youth who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities.

''(26) HIGH-QUALITY ACADEMIC TUTORING.—The term 'high-quality academic tutoring' means supplemental academic services that—

''(A) are in addition to instruction provided during the school day;

''(B) are provided by a non-governmental entity or local educational agency that—

''(i) is included on a State educational agency approved provider list after demonstrating to the State educational agency that its program consistently improves the academic achievement of students; and

''(ii) agrees to provide parents of children receiving high-quality academic tutoring, the appropriate local educational agency, and school with information on participating students increases in academic achievement, in a format, and to the extent practicable, a language that such parent can understand, and in a manner that protects the privacy of individuals consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g);

''(C) are selected by the parents of students who are identified by the local educational agency as being eligible for such services from among providers on the approved provider list described in subparagraph (B)(i);

''(D) meet all applicable Federal, State, and local health, safety, and civil rights laws; and

''(E) ensure that all instruction and content are secular, neutral, and non-ideological.

''(27) HIGH SCHOOL.—The term 'high school' means a secondary school that—

''(A) grants a diploma, as defined by the State; and

''(B) includes, at least, grade 12.

''(28) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101(a) of the Higher Education Act of 1965.

''(29) LOCAL EDUCATIONAL AGENCY.—

''(A) IN GENERAL.—The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

''(B) ADMINISTRATIVE CONTROL AND DIRECTION.—The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

''(C) BIE SCHOOLS.—The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Education.

''(D) EDUCATIONAL SERVICE AGENCIES.—The term includes educational service agencies and consortia of those agencies.

''(E) STATE EDUCATIONAL AGENCY.—The term includes the State educational agency in a State

in which the State educational agency is the sole educational agency for all public schools.

''(30) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms 'Native American' and 'Native American language' have the same meaning given those terms in section 103 of the Native American Languages Act of 1990.

''(31) OTHER STAFF.—The term 'other staff' means specialized instructional support personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

''(32) OUTLYING AREA.—The term 'outlying area'—

''(A) means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands;

''(B) means the Republic of Palau, to the extent permitted under section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (Public Law 99–658; 117 Stat. 2751) and until an agreement for the extension of United States education assistance under the Compact of Free Association becomes effective for the Republic of Palau; and

''(C) for the purpose of any discretionary grant program under this Act, includes the Republic of the Marshall Islands and the Federated States of Micronesia, to the extent permitted under section 105(f)(1)(B)(viii) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188; 117 Stat. 2751).

''(33) PARENT.—The term 'parent' includes a legal guardian or other person standing in loco parentis (such as a grandparent, stepparent, or foster parent with whom the child lives, or a person who is legally responsible for the child's welfare).

''(34) PARENTAL INVOLVEMENT.—The term 'parental involvement' means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—

''(A) that parents play an integral role in assisting in their child's learning;

''(B) that parents are encouraged to be actively involved in their child's education at school;

''(C) that parents are full partners in their child's education and are included, as appropriate, in decisionmaking and on advisory committees to assist in the education of their child; and

''(D) the carrying out of other activities, such as those described in section 1118.

''(35) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved.

''(36) PROFESSIONAL DEVELOPMENT.—The term 'professional development'—

''(A) includes evidence-based, job-embedded, continuous activities that—

''(i) improve and increase teachers' knowledge of the academic subjects the teachers teach, and enable teachers to become effective educators;

''(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

''(iii) give teachers, school leaders, other staff, and administrators the knowledge and skills to provide students with the opportunity to meet State academic standards;

''(iv) improve classroom management skills;

''(v)(I) have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom; and

''(II) are not 1-day or short-term workshops or conferences;

''(vi) support the recruiting, hiring, and training of effective teachers, including teachers who became certified or licensed through State and local alternative routes to certification;

''(vii) advance teacher understanding of effective instructional strategies that are strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers, including through addressing the social and emotional development needs of students;

''(viii) are aligned with and directly related to—

''(I) State academic standards and assessments; and

''(II) the curricula and programs tied to the standards described in subclause (I);

''(ix) are developed with extensive participation of teachers, school leaders, parents, and administrators of schools to be served under this Act;

''(x) are designed to give teachers of English learners and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

''(xi) to the extent appropriate, provide training for teachers, other staff, and school leaders in the use of technology so that technology and technology applications are effectively used to improve teaching and learning in the curricula and core academic subjects in which the students receive instruction;

''(xii) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of the professional development;

''(xiii) provide instruction in methods of teaching children with special needs;

''(xiv) include instruction in the use of data and assessments to inform and instruct classroom practice; and

''(xv) include instruction in ways that teachers, school leaders, specialized instructional support personnel, other staff, and school administrators may work more effectively with parents; and

''(B) may include evidence-based, job-embedded, continuous activities that—

''(i) involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and new teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

''(ii) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under subpart 1 of part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and

''(iii) provide follow-up training to individuals who have participated in activities described in subparagraph (A) or another clause of this subparagraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom.

''(37) REGULAR HIGH SCHOOL DIPLOMA.—

''(A) IN GENERAL.—The term 'regular high school diploma' means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma. Such term shall not include a GED or other recognized equivalent of a diploma, a certificate of attendance, or any lesser diploma award.

''(B) EXCEPTION FOR STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES.—For a student who is assessed using an alternate assessment aligned to alternate academic standards under section 1111(b)(1)(D), receipt of a regular high school diploma as defined under subparagraph (A) or a State-defined alternate diploma obtained within the time period for which the State ensures the availability of a free appropriate public education and in accordance with section 612(a)(1) of the Individuals with Disabilities Education Act shall be counted as graduating with a regular high school diploma for the purposes of this Act.

''(38) SCHOOL LEADER.—The term 'school leader' means a principal, assistant principal, or other individual who is—

''(A) an employee or officer of a school, local educational agency, or other entity operating the school; and

''(B) responsible for—

''(i) the daily instructional leadership and managerial operations of the school; and

''(ii) creating the optimum conditions for student learning.

''(39) SECONDARY SCHOOL.—The term 'secondary school' means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.

''(40) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(41) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—

''(A) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term 'specialized instructional support personnel' means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

''(B) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term 'specialized instructional support services' means the services provided by specialized instructional support personnel.

''(42) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

''(43) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

''(44) TECHNOLOGY.—The term 'technology' means modern information, computer and communication technology products, services, or tools, including, but not limited to, the Internet and other communications networks, computer devices and other computer and communications hardware, software applications, data systems, and other electronic content and data storage.

''SEC. 5102. APPLICABILITY OF TITLE.

''Parts B, C, D, and E of this title do not apply to title IV of this Act.

''SEC. 5103. APPLICABILITY TO BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS.

''For the purpose of any competitive program under this Act—

''(1) a consortium of schools operated by the Bureau of Indian Education;

''(2) a school operated under a contract or grant with the Bureau of Indian Education in consortium with another contract or grant school or a tribal or community organization; or

''(3) a Bureau of Indian Education school in consortium with an institution of higher education, a contract or grant school, or a tribal or community organization,

shall be given the same consideration as a local educational agency.

''PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

''SEC. 5201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

''(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

''(1) IN GENERAL.—A State educational agency may consolidate the amounts specifically made available to it for State administration under one or more of the programs under paragraph (2).

''(2) APPLICABILITY.—This section applies to any program under this Act under which funds are authorized to be used for administration, and such other programs as the Secretary may designate.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

''(2) ADDITIONAL USES.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under programs included in the consolidation under subsection (a), such as—

''(A) the coordination of those programs with other Federal and non-Federal programs;

''(B) the establishment and operation of peer-review mechanisms under this Act;

''(C) the administration of this title;

''(D) the dissemination of information regarding model programs and practices;

''(E) technical assistance under any program under this Act;

''(F) State-level activities designed to carry out this title;

''(G) training personnel engaged in audit and other monitoring activities; and

''(H) implementation of the Cooperative Audit Resolution and Oversight Initiative of the Department.

''(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

''(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of that administration.

''(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to the agency under this section for administration, the agency may use those funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

''(f) CONSOLIDATION OF FUNDS FOR STANDARDS AND ASSESSMENT DEVELOPMENT.—In order to develop State academic standards and assessments, a State educational agency may consolidate the amounts described in subsection (a) for those purposes under title I.

''SEC. 5202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.

''A State educational agency that also serves as a local educational agency shall, in its applications or plans under this Act, describe how the agency will eliminate duplication in conducting administrative functions.

''SEC. 5203. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

''(a) GENERAL AUTHORITY.—

''(1) TRANSFER.—The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under subpart 6 of part A of title I, and the education for homeless children and youth program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

''(2) AGREEMENT.—

''(A) IN GENERAL.—The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those program funds under terms that the Secretary determines best meet the purposes of those programs.

''(B) CONTENTS.—The agreement shall—

''(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred and the achievement measures to assess program effectiveness; and

''(ii) be developed in consultation with Indian tribes.

''(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for its costs related to the administration of the funds transferred under this section.

''PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

''SEC. 5301. PURPOSES.

''The purposes of this part are—

''(1) to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery;

''(2) to provide greater flexibility to State and local authorities through consolidated plans, applications, and reporting; and

''(3) to enhance the integration of programs under this Act with State and local programs.

''SEC. 5302. OPTIONAL CONSOLIDATED STATE PLANS OR APPLICATIONS.

''(a) GENERAL AUTHORITY.—

''(1) SIMPLIFICATION.—In order to simplify application requirements and reduce the burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which, after consultation with the Governor, a State educational agency may submit a consolidated State plan or a consolidated State application meeting the requirements of this section for—

''(A) each of the covered programs in which the State participates; and

''(B) such other programs as the Secretary may designate.

''(2) CONSOLIDATED APPLICATIONS AND PLANS.—After consultation with the Governor, a State educational agency that submits a consolidated State plan or a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which the consolidated State plan or consolidated State application under this section applies.

''(b) COLLABORATION.—

''(1) IN GENERAL.—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 agencies, organizations, and institutions, private schools, and parents, students, and teachers.

''(2) CONTENTS.—Through the collaborative process described in paragraph (1), the Secretary shall establish, for each program under this Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.

''(3) NECESSARY MATERIALS.—The Secretary shall require only descriptions, information, assurances (including assurances of compliance with applicable provisions regarding participation by private school children and teachers), and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

''SEC. 5303. CONSOLIDATED REPORTING.

''(a) IN GENERAL.—In order to simplify reporting requirements and reduce reporting burdens, the Secretary shall establish procedures and criteria under which a State educational agency, in consultation with the Governor of the State, may submit a consolidated State annual report.

''(b) CONTENTS.—The report shall contain information about the programs included in the report, including the performance of the State under those programs, and other matters as the Secretary determines are necessary, such as monitoring activities.

''(c) REPLACEMENT.—The report shall replace separate individual annual reports for the programs included in the consolidated State annual report.

''SEC. 5304. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

''(a) ASSURANCES.—A State educational agency, in consultation with the Governor of the State, that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 5302, shall have on file with the Secretary a single set of assurances, applicable to each program for which the plan or application is submitted, that provides that—

''(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

''(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, an eligible private agency, institution, or organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities; and

''(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer those funds and property to the extent required by the authorizing law;

''(3) the State will adopt and use proper methods of administering each such program, including—

''(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;

''(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

''(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs;

''(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

''(5) the State will use such fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

''(6) the State will—

''(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

''(B) maintain such records, provide such information to the Secretary, and afford such access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

''(7) before the plan or application was submitted to the Secretary, the State afforded a reasonable opportunity for public comment on the plan or application and considered such comment.

''(b) GEPA PROVISION.—Section 441 of the General Education Provisions Act shall not apply to programs under this Act.

''SEC. 5305. CONSOLIDATED LOCAL PLANS OR APPLICATIONS.

''(a) GENERAL AUTHORITY.—

''(1) CONSOLIDATED PLAN.—A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under those programs on a consolidated basis.

''(2) AVAILABILITY TO GOVERNOR.—The State educational agency shall make any consolidated local plans and applications available to the Governor.

''(b) REQUIRED CONSOLIDATED PLANS OR APPLICATIONS.—A State educational agency that

has an approved consolidated State plan or application under section 5302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or consolidated State application to submit consolidated local plans or applications under those programs, but may not require those agencies to submit separate plans.

''(c) COLLABORATION.—A State educational agency, in consultation with the Governor, shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated State plans or consolidated State applications under this section.

''(d) NECESSARY MATERIALS.—The State educational agency shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.

''SEC. 5306. OTHER GENERAL ASSURANCES.

''(a) ASSURANCES.—Any applicant, other than a State educational agency that submits a plan or application under this Act, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

''(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

''(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in an eligible private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and

''(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes;

''(3) the applicant will adopt and use proper methods of administering each such program, including—

''(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

''(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

''(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary, or other Federal officials;

''(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under each such program;

''(6) the applicant will—

''(A) submit such reports to the State educational agency (which shall make the reports available to the Governor) and the Secretary as the State educational agency and Secretary may require to enable the State educational agency and the Secretary to perform their duties under each such program; and

''(B) maintain such records, provide such information, and afford such access to the records as the State educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the State educational agency's or the Secretary's duties; and

''(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment.

''(b) GEPA PROVISION.—Section 442 of the General Education Provisions Act shall not apply to programs under this Act.

''PART D—WAIVERS

''SEC. 5401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

''(a) IN GENERAL.—

''(1) REQUEST FOR WAIVER.—A State educational agency, local educational agency, or Indian tribe that receives funds under a program authorized under this Act may submit a request to the Secretary to waive any statutory or regulatory requirement of this Act.

''(2) RECEIPT OF WAIVER.—Except as provided in subsection (c) and subject to the limits in subsection (b)(5)(A), the Secretary shall waive any statutory or regulatory requirement of this Act for a State educational agency, local educational agency, Indian tribe, or school (through a local educational agency), that submits a waiver request pursuant to this subsection.

''(b) PLAN.—

''(1) IN GENERAL.—A State educational agency, local educational agency, or Indian tribe that desires a waiver under this section shall submit a waiver request to the Secretary, which shall include a plan that—

''(A) identifies the Federal programs affected by the requested waiver;

''(B) describes which Federal statutory or regulatory requirements are to be waived;

''(C) reasonably demonstrates that the waiver will improve instruction for students and advance student academic achievement;

''(D) describes the methods the State educational agency, local educational agency, or Indian tribe will use to monitor the effectiveness of the implementation of the plan; and

''(E) describes how schools will continue to provide assistance to the same populations served by programs for which the waiver is requested.

''(2) ADDITIONAL INFORMATION.—A waiver request under this section—

''(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools; and

''(B) shall be developed and submitted—

''(i)(I) by local educational agencies (on behalf of those agencies and schools) to State educational agencies; and

''(II) by State educational agencies (on their own behalf, or on behalf of, and based on the requests of, local educational agencies in the State) to the Secretary; or

''(ii) by Indian tribes (on behalf of schools operated by the tribes) to the Secretary.

''(3) GENERAL REQUIREMENTS.—

''(A) STATE EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a State educational agency acting on its own behalf, or on behalf of local educational agencies in the State, the State educational agency shall—

''(i) provide the public and local educational agencies in the State with notice and a reasonable opportunity to comment and provide input on the request;

''(ii) submit the comments and input to the Secretary, with a description of how the State addressed the comments and input; and

''(iii) provide notice and a reasonable time to comment to the public and local educational agencies in the manner in which the applying agency customarily provides similar notice and opportunity to comment to the public.

''(B) LOCAL EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a local educational agency that receives funds under this Act—

''(i) the request shall be reviewed by the State educational agency and be accompanied by the comments, if any, of the State educational agency and the public; and

''(ii) notice and a reasonable opportunity to comment regarding the waiver request shall be provided to the State educational agency and the public by the agency requesting the waiver in the manner in which that agency customarily provides similar notice and opportunity to comment to the public.

''(4) PEER REVIEW.—

''(A) ESTABLISHMENT.—The Secretary shall establish a multi-disciplinary peer review team, which shall meet the requirements of section 5543, to review waiver requests under this section.

''(B) APPLICABILITY.—The Secretary may approve a waiver request under this section without conducting a peer review of the request, but shall use the peer review process under this paragraph before disapproving such a request.

''(C) STANDARD AND NATURE OF REVIEW.—Peer reviewers shall conduct a good faith review of waiver requests submitted to them under this section. Peer reviewers shall review such waiver requests—

''(i) in their totality;

''(ii) in deference to State and local judgment; and

''(iii) with the goal of promoting State- and local-led innovation.

''(5) WAIVER DETERMINATION, DEMONSTRATION, AND REVISION.—

''(A) IN GENERAL.—The Secretary shall approve a waiver request not more than 60 days after the date on which such request is submitted, unless the Secretary determines and demonstrates that—

''(i) the waiver request does not meet the requirements of this section;

''(ii) the waiver is not permitted under subsection (c);

''(iii) the plan that is required under paragraph (1)(C), and reviewed with deference to State and local judgment, provides no reasonable evidence to determine that a waiver will enhance student academic achievement; or

''(iv) the waiver request does not provide for adequate evaluation to ensure review and continuous improvement of the plan.

''(B) WAIVER DETERMINATION AND REVISION.—If the Secretary determines and demonstrates that the waiver request does not meet the requirements of this section, the Secretary shall—

''(i) immediately—

''(I) notify the State educational agency, local educational agency, or Indian tribe of such determination; and

''(II) at the request of the State educational agency, local educational agency, or Indian tribe, provide detailed reasons for such determination in writing;

''(ii) offer the State educational agency, local educational agency, or Indian tribe an opportunity to revise and resubmit the waiver request not more than 60 days after the date of such determination; and

''(iii) if the Secretary determines that the resubmission does not meet the requirements of this section, at the request of the State educational agency, local educational agency, or Indian tribe, conduct a public hearing not more than 30 days after the date of such resubmission.

''(C) WAIVER DISAPPROVAL.—The Secretary may disapprove a waiver request if—

''(i) the State educational agency, local educational agency, or Indian tribe has been notified and offered an opportunity to revise and resubmit the waiver request, as described under clauses (i) and (ii) of subparagraph (B); and

''(ii) the State educational agency, local educational agency, or Indian tribe—

''(I) does not revise and resubmit the waiver request; or

''(II) revises and resubmits the waiver request, and the Secretary determines that such waiver request does not meet the requirements of this section after a hearing conducted under subparagraph (B)(iii), if requested.

''(D) EXTERNAL CONDITIONS.—The Secretary shall not, directly or indirectly, require or impose new or additional requirements in exchange for receipt of a waiver if such requirements are not specified in this Act.

''(c) RESTRICTIONS.—The Secretary shall not waive under this section any statutory or regulatory requirements relating to—

''(1) the allocation or distribution of funds to States, local educational agencies, Indian tribes, or other recipients of funds under this Act;

''(2) comparability of services;
''(3) use of Federal funds to supplement, not supplant, non-Federal funds;
''(4) equitable participation of private school students and teachers;
''(5) parental participation and involvement;
''(6) applicable civil rights requirements;
''(7) the prohibitions—
''(A) in subpart 2 of part E;
''(B) regarding use of funds for religious worship or instruction in section 5505; and
''(C) regarding activities in section 5524; or
''(8) the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that the Secretary may grant a waiver to allow a school attendance area or school to participate in activities under subpart 1 of part A of title I if the percentage of children from low-income families in the school attendance area or who attend the school is not more than 10 percentage points below the lowest percentage of those children for any school attendance area or school of the local educational agency that meets the requirements of subsections (a) and (b) of section 1113.

''(d) DURATION AND EXTENSION OF WAIVER; LIMITATIONS.—
''(1) IN GENERAL.—Except as provided in paragraph (2), a waiver approved by the Secretary under this section may be for a period not to exceed 3 years.
''(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the State demonstrates that—
''(A) the waiver has been effective in enabling the State or affected recipient to carry out the activities for which the waiver was requested and the waiver has contributed to improved student achievement; and
''(B) the extension is in the public interest.
''(3) SPECIFIC LIMITATIONS.—The Secretary shall not require a State educational agency, local educational agency, or Indian tribe, as a condition of approval of a waiver request, to—
''(A) include in, or delete from, such request, specific academic standards, such as the Common Core State Standards developed under the Common Core State Standards Initiative or any other standards common to a significant number of States;
''(B) use specific academic assessment instruments or items, including assessments aligned to the standards described in subparagraph (A); or
''(C) include in, or delete from, such waiver request any criterion that specifies, defines, describes, or prescribes the standards or measures that a State or local educational agency or Indian tribe uses to establish, implement, or improve—
''(i) State academic standards;
''(ii) academic assessments;
''(iii) State accountability systems; or
''(iv) teacher and school leader evaluation systems.

''(e) REPORTS.—
''(1) WAIVER REPORTS.—A State educational agency, local educational agency, or Indian tribe that receives a waiver under this section shall, at the end of the second year for which a waiver is received under this section and each subsequent year, submit a report to the Secretary that—
''(A) describes the uses of the waiver by the agency or by schools;
''(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers were granted; and
''(C) evaluates the progress of the agency and schools, or Indian tribe, in improving the quality of instruction or the academic achievement of students.
''(2) REPORT TO CONGRESS.—The Secretary shall annually submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—
''(A) summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and
''(B) describing the status of the waivers in improving academic achievement.

''(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines, after notice and an opportunity for a hearing, that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver and the recipient of the waiver has failed to make revisions needed to carry out the purpose of the waiver, or if the waiver is no longer necessary to achieve its original purpose.

''(g) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall provide for the dissemination of the notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

"PART E—UNIFORM PROVISIONS

"Subpart 1—Private Schools

"SEC. 5501. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

''(a) PRIVATE SCHOOL PARTICIPATION.—
''(1) IN GENERAL.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary schools and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium, or entity shall, after timely and meaningful consultation with appropriate private school officials or their representatives, provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the program.
''(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.
''(3) SPECIAL RULE.—Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.
''(4) EXPENDITURES.—
''(A) IN GENERAL.—Expenditures for educational services and other benefits to eligible private school children, teachers, and other service personnel shall be equal to the expenditures for participating public school children, taking into account the number and educational needs, of the children to be served.
''(B) OBLIGATION OF FUNDS.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall—
''(i) be obligated in the fiscal year for which the funds are received by the agency; and
''(ii) with respect to any such funds that cannot be so obligated, be used to serve such children in the following fiscal year.
''(C) NOTICE OF ALLOCATION.—Each State educational agency shall—
''(i) determine, in a timely manner, the proportion of funds to be allocated to each local educational agency in the State for educational services and other benefits under this subpart to eligible private school children; and
''(ii) provide notice, simultaneously, to each such local educational agency and the appropriate private school officials or their representatives in the State of such allocation of funds.
''(5) PROVISION OF SERVICES.—An agency, consortium, or entity described in subsection (a)(1) of this section may provide those services directly or through contracts with public and private agencies, organizations, and institutions.

''(b) APPLICABILITY.—
''(1) IN GENERAL.—This section applies to programs under—
''(A) subpart 2 of part A of title I;
''(B) subpart 4 of part A of title I;
''(C) part A of title II;
''(D) part B of title II; and
''(E) part B of title III.
''(2) DEFINITION.—For the purpose of this section, the term 'eligible children' means children eligible for services under a program described in paragraph (1).

''(c) CONSULTATION.—
''(1) IN GENERAL.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult, in order to reach an agreement, with appropriate private school officials or their representatives during the design and development of the programs under this Act, on issues such as—
''(A) how the children's needs will be identified;
''(B) what services will be offered;
''(C) how, where, and by whom the services will be provided;
''(D) how the services will be assessed and how the results of the assessment will be used to improve those services;
''(E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel and the amount of funds available for those services;
''(F) how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials or their representatives on the provision of services through potential third-party providers or contractors; and
''(G) how, if the agency disagrees with the views of the private school officials or their representatives on the provision of services through a contract, the local educational agency will provide in writing to such private school officials or their representatives an analysis of the reasons why the local educational agency has chosen not to use a contractor.
''(2) DISAGREEMENT.—If the agency, consortium, or entity disagrees with the views of the private school officials or their representatives with respect to an issue described in paragraph (1), the agency, consortium, or entity shall provide to the private school officials or their representatives a written explanation of the reasons why the local educational agency has chosen not to adopt the course of action requested by such officials or their representatives.
''(3) TIMING.—The consultation required by paragraph (1) shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.
''(4) DISCUSSION REQUIRED.—The consultation required by paragraph (1) shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.
''(5) DOCUMENTATION.—Each local educational agency shall maintain in the agency's records and provide to the State educational agency involved a written affirmation signed by officials or their representatives of each participating private school that the meaningful consultation required by this section has occurred.

The written affirmation shall provide the option for private school officials or their representatives to indicate that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials or their representatives do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

''(6) COMPLIANCE.—

''(A) IN GENERAL.—If the consultation required under this section is with a local educational agency or educational service agency, a private school official or representative shall have the right to file a complaint with the State educational agency that the consultation required under this section was not meaningful and timely, did not give due consideration to the views of the private school official or representative, or did not treat the private school or its students equitably as required by this section.

''(B) PROCEDURE.—If the private school official or representative wishes to file a complaint, the private school official or representative shall provide the basis of the noncompliance with this section and all parties shall provide the appropriate documentation to the appropriate officials or representatives.

''(C) SERVICES.—A State educational agency shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions, if—

''(i) the appropriate private school officials or their representatives have—

''(I) requested that the State educational agency provide such services directly; and

''(II) demonstrated that the local educational agency or Education Service Agency involved has not met the requirements of this section; or

''(ii) in a case in which—

''(I) a local educational agency has more than 10,000 children from low-income families who attend private elementary schools or secondary schools in such agency's school attendance areas, as defined in section 1113(a)(2)(A), that are not being served by the agency's program under this section; or

''(II) 90 percent of the eligible private school students in a school attendance area, as defined in section 1113(a)(2)(A), are not being served by the agency's program under this section.

''(d) PUBLIC CONTROL OF FUNDS.—

''(1) IN GENERAL.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property.

''(2) PROVISION OF SERVICES.—

''(A) IN GENERAL.—The provision of services under this section shall be provided—

''(i) by employees of a public agency; or

''(ii) through contract by the public agency with an individual, association, agency, organization, or other entity.

''(B) INDEPENDENCE; PUBLIC AGENCY.—In the provision of those services, the employee, person, association, agency, organization, or other entity shall be independent of the private school and of any religious organization, and the employment or contract shall be under the control and supervision of the public agency.

''(C) COMMINGLING OF FUNDS PROHIBITED.—Funds used to provide services under this section shall not be commingled with non-Federal funds.

''SEC. 5502. STANDARDS FOR BY-PASS.

''(a) IN GENERAL.—If, by reason of any provision of law, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or other entity is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary schools and secondary schools, on an equitable basis, or if the Secretary determines that the agency, consortium, or entity has substantially failed or is unwilling to provide for that participation, as required by section 5501, the Secretary shall—

''(1) waive the requirements of that section for the agency, consortium, or entity; and

''(2) arrange for the provision of equitable services to those children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 5501, 5503, and 5504.

''(b) DETERMINATION.—In making the determination under subsection (a), the Secretary shall consider one or more factors, including the quality, size, scope, and location of the program, and the opportunity of private school children, teachers, and other educational personnel to participate in the program.

''SEC. 5503. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

''(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 5501 by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity. The individual or organization shall submit the complaint to the State educational agency for a written resolution by the State educational agency within 45 days.

''(b) APPEALS TO SECRETARY.—The resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within the 45-day time limit. The appeal shall be accompanied by a copy of the State educational agency's resolution, and, if there is one, a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal not later than 90 days after receipt of the appeal.

''Subpart 2—Prohibitions

''SEC. 5521. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

''(a) IN GENERAL.—No officer or employee of the Federal Government shall, directly or indirectly, through grants, contracts, or other cooperative agreements, mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic standards and assessments, curricula, or program of instruction, (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States), nor shall anything in this Act be construed to authorize such officer or employee to do so.

''(b) FINANCIAL SUPPORT.—No officer or employee of the Federal Government shall, directly or indirectly, through grants, contracts, or other cooperative agreements, make financial support available in a manner that is conditioned upon a State, local educational agency, or school's adoption of specific instructional content, academic standards and assessments, curriculum, or program of instruction, (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards), even if such requirements are specified in an Act other than this Act, nor shall anything in this Act be construed to authorize such officer or employee to do so.

''SEC. 5522. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

''(a) GENERAL PROHIBITION.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government directly or indirectly, whether through a grant, contract, or cooperative agreement, to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

''(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—Notwithstanding any other prohibition of Federal law, no funds provided to the Department under this Act may be used by the Department directly or indirectly—whether through a grant, contract, or cooperative agreement—to endorse, approve, develop, require, or sanction any curriculum, including any curriculum aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States, designed to be used in an elementary school or secondary school.

''(c) LOCAL CONTROL.—Nothing in this Act shall be construed to—

''(1) authorize an officer or employee of the Federal Government directly or indirectly – whether through a grant, contract, or cooperative agreement – to mandate, direct, review, or control a State, local educational agency, or school's instructional content, curriculum, and related activities;

''(2) limit the application of the General Education Provisions Act;

''(3) require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or

''(4) create any legally enforceable right.

''(d) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—Notwithstanding any other provision of Federal law, no State shall be required to have academic standards approved or certified by the Federal Government, in order to receive assistance under this Act.

''(e) RULE OF CONSTRUCTION ON BUILDING STANDARDS.—Nothing in this Act shall be construed to mandate national school building standards for a State, local educational agency, or school.

''SEC. 5523. PROHIBITION ON FEDERALLY SPONSORED TESTING.

''(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test or testing materials in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

''(b) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(5) of the Education Sciences Reform Act of 2002 and administered to only a representative sample of pupils in the United States and in foreign nations.

''SEC. 5524. LIMITATIONS ON NATIONAL TESTING OR CERTIFICATION FOR TEACHERS.

''(a) MANDATORY NATIONAL TESTING OR CERTIFICATION OF TEACHERS.—Notwithstanding any other provision of this Act or any other provision of law, no funds available to the Department or otherwise available under this Act may be used for any purpose relating to a mandatory nationwide test or certification of teachers or education paraprofessionals, including any planning, development, implementation, or administration of such test or certification.

''(b) PROHIBITION ON WITHHOLDING FUNDS.—The Secretary is prohibited from withholding

funds from any State educational agency or local educational agency if the State educational agency or local educational agency fails to adopt a specific method of teacher or paraprofessional certification.

"SEC. 5525. PROHIBITED USES OF FUNDS.

''No funds under this Act may be used—

''(1) for construction, renovation, or repair of any school facility, except as authorized under title IV or otherwise authorized under this Act;

''(2) for medical services, drug treatment or rehabilitation, except for specialized instructional support services or referral to treatment for students who are victims of, or witnesses to, crime or who illegally use drugs;

''(3) for transportation unless otherwise authorized under this Act;

''(4) to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;

''(5) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;

''(6) to provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or

''(7) to operate a program of contraceptive distribution in schools.

"SEC. 5529. PROHIBITION REGARDING STATE AID.

''A State shall not take into consideration payments under this Act (other than under title IV) in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

"Subpart 3—Other Provisions

"SEC. 5541. ARMED FORCES RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION.

''(a) POLICY.—

''(1) ACCESS TO STUDENT RECRUITING INFORMATION.—Notwithstanding section 444(a)(5)(B) of the General Education Provisions Act, each local educational agency receiving assistance under this Act shall provide, upon a request made by a military recruiter or an institution of higher education, access to the name, address, and telephone listing of each secondary school student served by the local educational agency, unless the parent of such student has submitted the prior consent request under paragraph (2).

''(2) CONSENT.—

''(A) OPT-OUT PROCESS.—A parent of a secondary school student may submit a written request, to the local educational agency, that the student's name, address, and telephone listing not be released for purposes of paragraph (1) without prior written consent of the parent. Upon receiving such request, the local educational agency may not release the student's name, address, and telephone listing for such purposes without the prior written consent of the parent.

''(B) NOTIFICATION OF OPT-OUT PROCESS.—Each local educational agency shall notify the parents of the students served by the agency of the option to make a request described in subparagraph (A).

''(3) SAME ACCESS TO STUDENTS.—Each local educational agency receiving assistance under this Act shall provide military recruiters the same access to secondary school students as is provided generally to institutions of higher education or to prospective employers of those students.

''(4) RULE OF CONSTRUCTION PROHIBITING OPT-IN PROCESSES.—Nothing in this subsection shall be construed to allow a local educational agency to withhold access to a student's name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process under paragraph (2)(A).

''(5) PARENTAL CONSENT.—For purposes of this subsection, whenever a student has attained 18 years of age, the permission or consent required of and the rights accorded to the parents of the student shall only be required of and accorded to the student.

''(b) NOTIFICATION.—The Secretary, in consultation with the Secretary of Defense, shall, not later than 120 days after the date of enactment of the Student Success Act, notify school leaders, school administrators, and other educators about the requirements of this section.

''(c) EXCEPTION.—The requirements of this section do not apply to a private secondary school that maintains a religious objection to service in the Armed Forces if the objection is verifiable through the corporate or other organizational documents or materials of that school.

"SEC. 5542. RULEMAKING.

''The Secretary shall issue regulations under this Act as prescribed under section 1401 only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this Act.

"SEC. 5543. PEER REVIEW.

''(a) IN GENERAL.—If the Secretary uses a peer review panel to evaluate an application for any program required under this Act, the Secretary shall conduct the panel in accordance with this section.

''(b) MAKEUP.—The Secretary shall—

''(1) solicit nominations for peers to serve on the panel from States that are—

''(A) practitioners in the subject matter; or

''(B) experts in the subject matter; and

''(2) select the peers from such nominees, except that there shall be at least 75 percent practitioners on each panel and in each group formed from the panel.

''(c) GUIDANCE.—The Secretary shall issue the peer review guidance concurrently with the notice of the grant.

''(d) REPORTING.—The Secretary shall—

''(1) make the names of the peer reviewers available to the public before the final deadline for the application of the grant;

''(2) make the peer review notes publically available once the review has concluded; and

''(3) make any deviations from the peer reviewers' recommendations available to the public with an explanation of the deviation.

''(e) APPLICANT REVIEWS.—An applicant shall have an opportunity within 30 days to review the peer review notes and appeal the score to the Secretary prior to the Secretary making any final determination.

''(f) PROHIBITION.—The Secretary, and the Secretary's staff, may not attempt to participate in, or influence, the peer review process. No Federal employee may participate in, or attempt to influence the peer review process, except to respond to questions of a technical nature, which shall be publicly reported.

"SEC. 5544. PARENTAL CONSENT.

''Upon receipt of written notification from the parents or legal guardians of a student, the local educational agency shall withdraw such student from any program funded under part B of title III. The local educational agency shall make reasonable efforts to inform parents or legal guardians of the content of such programs or activities funded under this Act, other than classroom instruction.

"SEC. 5548. SEVERABILITY.

''If any provision of this Act is held invalid, the remainder of this Act shall be unaffected thereby.

"SEC. 5551. DEPARTMENT STAFF.

''The Secretary shall—

''(1) not later than 60 days after the date of the enactment of the Student Success Act, identify the number of Department employees who worked on or administered each education program and project authorized under this Act, as such program or project was in effect on the day before such enactment date, and publish such information on the Department's website;

''(2) not later than 60 days after such enactment date, identify the number of full-time equivalent employees who work on or administer programs or projects authorized under this Act, as in effect on the day before such enactment date, that have been eliminated or consolidated since such date;

''(3) not later than 1 year after such enactment date, reduce the workforce of the Department by the number of full-time equivalent employees the Department calculated under paragraph (2); and

''(4) not later than 1 year after such enactment date, report to the Congress on—

''(A) the number of employees associated with each program or project authorized under this Act administered by the Department;

''(B) the number of full-time equivalent employees who were determined to be associated with eliminated or consolidated programs or projects under paragraph (2); and

''(C) how the Secretary reduced the number of employees at the Department under paragraph (3).

"PART F—EVALUATIONS

"SEC. 5601. EVALUATIONS.

''(a) RESERVATION OF FUNDS.—Except as provided in subsections (c) and (d), the Secretary may reserve not more than 0.5 percent of the amount appropriated to carry out each categorical program authorized under this Act. The reserved amounts shall be used by the Secretary, acting through the Director of the Institute of Education Sciences—

''(1) to conduct—

''(A) comprehensive evaluations of the program or project; and

''(B) studies of the effectiveness of the program or project and its administrative impact on schools and local educational agencies;

''(2) to evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs assisted or authorized under this Act and related Federal preschool, elementary, and secondary programs under any other Federal law; and

''(3) to increase the usefulness of evaluations of grant recipients in order to ensure the continuous progress of the program or project by improving the quality, timeliness, efficiency, and use of information relating to performance under the program or project.

''(b) REQUIRED PLAN.—The Secretary, acting through the Director of the Institute of Education Sciences, may use the reserved amount under subsection (a) only after completion of a comprehensive, multi-year plan—

''(1) for the periodic evaluation of each of the major categorical programs authorized under this Act, and as resources permit, the smaller categorical programs authorized under this Act;

''(2) that shall be developed and implemented with the involvement of other officials at the Department, as appropriate; and

''(3) that shall not be finalized until—

''(A) the publication of a notice in the Federal Register seeking public comment on such plan and after review by the Secretary of such comments; and

''(B) the plan is submitted for comment to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate and after review by the Secretary of such comments.

''(c) TITLE I EXCLUDED.—The Secretary may not reserve under subsection (a) funds appropriated to carry out any program authorized under title I.

''(d) EVALUATION ACTIVITIES AUTHORIZED ELSEWHERE.—If, under any other provision of this Act (other than title I), funds are authorized to be reserved or used for evaluation activities with respect to a program or project, the Secretary may not reserve additional funds

under this section for the evaluation of that program or project.''.

(b) TECHNICAL AMENDMENTS.—

(1) TITLE IX.—

(A) SUBPART 1 OF PART E OF TITLE V.—

(i) TRANSFER AND REDESIGNATION.—Sections 9504 through 9506 (20 U.S.C. 7884; 7885; 7886) are—

(I) transferred to title V, as amended by subsection (a) of this section;

(II) inserted after section 5503 of such title; and

(III) redesignated as sections 5504 through 5506, respectively.

(ii) AMENDMENTS.—Section 5504 (as so redesignated) is amended—

(I) in subsection (a)(1)(A), by striking ''section 9502'' and inserting ''section 5502'';

(II) in subsection (b), by striking ''section 9501'' and inserting ''section 5501''; and

(III) in subsection (d), by striking ''No Child Left Behind Act of 2001'' and inserting ''Student Success Act''.

(B) SUBPART 2 OF PART E OF TITLE V.—

(i) TRANSFER AND REDESIGNATION.—Sections 9531, 9533, and 9534 (20 U.S.C. 7911; 7913; 7914) are—

(I) transferred to title V, as amended by subparagraph (A) of this paragraph;

(II) inserted after section 5525 of such title; and

(III) redesignated as sections 5526 through 5528, respectively.

(ii) AMENDMENTS.—Section 5528 (as so redesignated) is amended—

(I) by striking ''(a) IN GENERAL.—Nothing'' and inserting ''Nothing''; and

(II) by striking subsection (b).

(C) SUBPART 3 OF PART E OF TITLE V.—Sections 9523, 9524, and 9525 (20 U.S.C. 7903; 7904; 7905) are—

(i) transferred to title V, as amended by subparagraph (B) of this paragraph;

(ii) inserted after section 5544 of such title; and

(iii) redesignated as sections 5545 through 5547, respectively.

(2) TITLE IV.—Sections 4141 and 4155 (20 U.S.C. 7151; 7161) are—

(A) transferred to title V, as amended by paragraph (1) of this subsection;

(B) inserted after section 5548 (as so redesignated by paragraph (1)(C)(iii) of this subsection); and

(C) redesignated as sections 5549 and 5550, respectively.

SEC. 502. REPEAL.

Title IX (20 U.S.C. 7801 et seq.), as amended by section 501(b)(1) of this title, is repealed.

SEC. 503. OTHER LAWS.

Beginning on the date of the enactment of this Act, any reference in law to the term ''highly qualified'' as defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall be treated as a reference to such term under section 9101 of the Elementary and Secondary Education Act of 1965 as in effect on the day before the date of the enactment of this Act.

SEC. 504. AMENDMENT TO IDEA.

Section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401) is amended by striking paragraph (10).

TITLE VI—REPEAL

SEC. 601. REPEAL OF TITLE VI.

The Act is amended by striking title VI (20 U.S.C. 7301 et seq.)

TITLE VII—HOMELESS EDUCATION

SEC. 701. STATEMENT OF POLICY.

Section 721 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431) is amended—

(1) by amending paragraph (2) to read as follows:

''(2) In any State where compulsory residency requirements or other requirements, laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youths, the State and local educational agencies will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as is provided to other children and youths.'';

(2) in paragraph (3), by striking ''alone''; and

(3) in paragraph (4), by striking ''challenging State student academic achievement'' and inserting ''State academic''.

SEC. 702. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

Section 722 of such Act (42 U.S.C. 11432) is amended—

(1) in subsection (a), by striking ''(g).'' and inserting ''(h).'';

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1)(A)—

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

(ii) in clause (ii), by striking ''; or'' at the end and inserting a period; and

(iii) by striking clause (iii); and

(B) by striking paragraph (3);

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''Grants'' and inserting ''Grant funds from a grant made to a State'';

(B) by amending paragraph (2) to read as follows:

''(2) To provide services and activities to improve the identification of homeless children (including preschool-aged homeless children and youths) that enable such children and youths to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs.'';

(C) in paragraph (3), by inserting before the period at the end the following: ''that can sufficiently carry out the duties described in this subtitle'';

(D) by amending paragraph (5) to read as follows:

''(5) To develop and implement professional development programs for liaisons designated under subsection (g)(1)(J)(ii) and other local educational agency personnel—

''(A) to improve their identification of homeless children and youths; and

''(B) to heighten their awareness of, and capacity to respond to, specific needs in the education of homeless children and youths.''.

(5) in subsection (e)—

(A) in paragraph (1)—

(i) by striking ''sums'' and inserting ''grant funds''; and

(ii) by inserting ''a State under subsection (a) to'' after ''each year to'';

(B) in paragraph (2), by striking ''funds made available for State use under this subtitle'' and inserting ''the grant funds remaining after the State educational agency distributes subgrants under paragraph (1)''; and

(C) in paragraph (3)—

(i) in subparagraph (C)(iv)(II), by striking ''sections 1111 and 1116'' and inserting ''section 1111'';

(ii) in subparagraph (F)—

(I) in clause (i)—

(aa) in the matter preceding subclause (I), by striking ''a report'' and inserting ''an annual report'';

(bb) by striking ''and'' at the end of subclause (II);

(cc) by striking the period at the end of subclause (III) and inserting ''; and''; and

(dd) by adding at the end the following:

''(IV) the progress the separate schools are making in helping all students meet the State academic standards.''; and

(II) in clause (iii), by striking ''Not later than 2 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the'' and inserting ''The'';

(6) by amending subsection (f) to read as follows:

''(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator for Education of Homeless Children and Youths established in each State shall—

''(1) gather and make publically available reliable, valid, and comprehensive information on—

''(A) the number of homeless children and youths identified in the State, posted annually on the State educational agency's website;

''(B) the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools;

''(C) the difficulties in identifying the special needs and barriers to the participation and achievement of such children and youths;

''(D) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and

''(E) the success of the programs under this subtitle in identifying homeless children and youths and allowing such children and youths to enroll in, attend, and succeed in, school;

''(2) develop and carry out the State plan described in subsection (g);

''(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may require, a report containing information necessary to assess the educational needs of homeless children and youths within the State, including data necessary for the Secretary to fulfill the responsibilities under section 724(h);

''(4) in order to improve the provision of comprehensive education and related support services to homeless children and youths and their families, coordinate and collaborate with—

''(A) educators, including teachers, special education personnel, administrators, and child development and preschool program personnel;

''(B) providers of services to homeless children and youths and their families, including services of public and private child welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

''(C) providers of emergency, transitional, and permanent housing to homeless children and youths, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youths;

''(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

''(E) community organizations and groups representing homeless children and youths and their families;

''(5) provide technical assistance to local educational agencies, in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of subsection (e)(3), paragraphs (3) through (7) of subsection (g), and subsection (h);

''(6) provide professional development opportunities for local educational agency personnel and the homeless liaison designated under subsection (g)(1)(J)(ii) to assist such personnel in meeting the needs of homeless children and youths; and

''(7) respond to inquiries from parents and guardians of homeless children and youths and unaccompanied youths to ensure that each child or youth who is the subject of such an inquiry receives the full protections and services provided by this subtitle.'';

(7) by amending subsection (g) to read as follows:

''(g) STATE PLAN.—

''(1) IN GENERAL.—In order to be eligible to receive a grant under this section, each State educational agency shall submit to the Secretary a

plan to provide for the education of homeless children and youths within the State that includes the following:

''(A) A description of how such children and youths are (or will be) given the opportunity to meet the same State academic standards that all students are expected to meet.

''(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their needs.

''(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

''(D) A description of programs for school personnel (including liaisons, school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such personnel of the specific needs of homeless adolescents, including runaway and homeless youths.

''(E) A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local nutrition programs.

''(F) A description of procedures that ensure that—

''(i) homeless children have equal access to public preschool programs, administered by the State educational agency or local educational agency, as provided to other children in the State;

''(ii) homeless youths and youths separated from public schools are identified and accorded equal access to appropriate secondary education and support services; and

''(iii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local education programs.

''(G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).

''(H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by—

''(i) immunization and other health records requirements;

''(ii) residency requirements;

''(iii) lack of birth certificates, school records, or other documentation;

''(iv) guardianship issues; or

''(v) uniform or dress code requirements.

''(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the identification, enrollment, and retention of homeless children and youths in schools in the State.

''(J) Assurances that the following will be carried out:

''(i) The State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless.

''(ii) Local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths, to carry out the duties described in paragraph (6)(A).

''(iii) The State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:

''(I) If the child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

''(II) If the child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

''(2) COMPLIANCE.—

''(A) IN GENERAL.—Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

''(B) COORDINATION.—Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

''(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

''(A) IN GENERAL.—The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest—

''(i) continue the child's or youth's education in the school of origin for the duration of homelessness—

''(I) in any case in which a family becomes homeless between academic years or during an academic year; or

''(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

''(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

''(B) SCHOOL STABILITY.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

''(i) presume that keeping the child or youth in the school of origin is in the child or youth's best interest, except when doing so is contrary to the wishes of the child's or youth's parent or guardian, or the unaccompanied youth;

''(ii) consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the wishes of the homeless child's or youth's parent of guardian or the unaccompanied youth involved;

''(iii) if, after conducting the best interest determination based on consideration of the presumption in clause (i) and the student-centered factors in clause (ii), the local educational agency determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent, guardian, or unaccompanied youth, provide the child's or youth's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal under subparagraph (E); and

''(iv) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

''(C) ENROLLMENT.—

''(i) IN GENERAL.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

''(I) is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation; or

''(II) has missed application or enrollment deadlines during any period of homelessness.

''(ii) RELEVANT ACADEMIC RECORDS.—The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

''(iii) RELEVANT HEALTH RECORDS.—If the child or youth needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the parent or guardian of the child or youth, or the unaccompanied child or youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings, or immunization or other required health records, in accordance with subparagraph (D).

''(D) RECORDS.—Any record ordinarily kept by the school, including immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained—

''(i) so that the records involved are available, in a timely fashion, when a child or youth enters a new school or school district; and

''(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

''(E) ENROLLMENT DISPUTES.—If a dispute arises over school selection or enrollment in a school—

''(i) the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;

''(ii) the parent, guardian, or unaccompanied youth shall be provided with a written explanation of any decisions made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or youth to appeal such decisions;

''(iii) the parent, guardian, or unaccompanied youth shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

''(iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in school in which the youth seeks enrollment pending resolution of such dispute.

''(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

''(G) SCHOOL OF ORIGIN DEFINED.—

''(i) IN GENERAL.—In this paragraph, the term 'school of origin' means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

''(ii) RECEIVING SCHOOL.—When the child or youth completes the final grade level served by the school of origin, as described in clause (i), the term ''school of origin'' shall include the designated receiving school at the next grade level for all feeder schools.

''(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

''(I) PRIVACY.—Information about a homeless child's or youth's living situation shall be treated as a student education record under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and shall not be released to housing providers, employers, law enforcement personnel, or other persons or agencies not authorized to have such information under section 99.31 of title 34, Code of Federal Regulations.

''(J) ACADEMIC ACHIEVEMENT.—The school selected in accordance with this paragraph shall ensure that homeless children and youth have opportunities to meet the same State academic standards to which other students are held.

''(4) COMPARABLE SERVICES.—Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

''(A) Transportation services.

''(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or similar State or local programs, educational programs for children with disabilities, and educational programs for English learners.

''(C) Programs in career and technical education.

''(D) Programs for gifted and talented students.

''(E) School nutrition programs.

''(5) COORDINATION.—

''(A) IN GENERAL.—Each local educational agency serving homeless children and youths that receives assistance under this subtitle shall coordinate—

''(i) the provision of services under this subtitle with local social services agencies and other agencies or entities providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

''(ii) transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.

''(B) HOUSING ASSISTANCE.—If applicable, each State educational agency 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-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.

''(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

''(i) ensure that all homeless children and youths are promptly identified;

''(ii) ensure that homeless children and youths have access to, and are in reasonable proximity to, available education and related support services; and

''(iii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

''(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and youth who are to be assisted both under this subtitle, and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), each local educational agency shall coordinate the provision of services under this subtitle with the provision of programs for children with disabilities served by that local educational agency and other involved local educational agencies.

''(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

''(A) DUTIES.—Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that—

''(i) homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies;

''(ii) homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

''(iii) homeless families, children, and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start, Early Head Start, early intervention, and preschool programs administered by the local educational agency;

''(iv) homeless families, children, and youths receive referrals to health care services, dental services, mental health and substances abuse services, housing services, and other appropriate services;

''(v) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

''(vi) public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths;

''(vii) enrollment disputes are mediated in accordance with paragraph (3)(E);

''(viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A);

''(ix) school personnel providing services under this subtitle receive professional development and other support; and

''(x) unaccompanied youths—

''(I) are enrolled in school;

''(II) have opportunities to meet the same State academic standards to which other students are held, including through implementation of the policies and practices required by paragraph (1)(F)(ii); and

''(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

''(B) NOTICE.—State coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths of the duties of the local educational agency liaisons, including publishing an annually updated list of the liaisons on the State educational agency's website.

''(C) LOCAL AND STATE COORDINATION.—Local educational agency liaisons for homeless children and youths 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 youths. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).

''(7) REVIEW AND REVISIONS.—

''(A) IN GENERAL.—Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the enrollment of homeless children and youths in schools that are selected under paragraph (3).

''(B) CONSIDERATION.—In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

''(C) SPECIAL ATTENTION.—Special attention shall be given to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.'';

(8) in subsection (h)(1)(A), by striking ''fiscal year 2009,'' and inserting ''fiscal years 2014 through 2019,''; and

(9) in subsection (h)(4), by striking ''fiscal year 2009'' and inserting ''fiscal years 2014 through 2019''.

SEC. 703. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

Section 723 of such Act (42 U.S.C. 11433) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''facilitating the enrollment,'' and inserting ''facilitating the identification, enrollment,'';

(B) in paragraph (2)(A)—

(i) by adding ''and'' at the end of clause (i);

(ii) by striking ''; and'' and inserting a period at the end of clause (ii); and

(iii) by striking clause (iii); and

(C) by adding at the end the following:

''(4) DURATION OF GRANTS.—Subgrants awarded under this section shall be for terms of not to exceed 3 years.'';

(2) in subsection (b)—

(A) by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(B) by adding at the end the following:

''(5) An assurance that the local educational agency will collect and promptly provide data requested by the State Coordinator pursuant to paragraphs (1) and (3) of section 722(f).

''(6) An assurance that the local educational agency has removed barriers to complying with the requirements of section 722(g)(1)(I).'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''726'' and inserting ''722(a)'';

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''identification,'' before ''enrollment'';

(ii) by amending subparagraph (B) to read as follows:

''(B) The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youths.''; and

(iii) in subparagraph (C), by inserting ''(as of the date of submission of the application)'' after ''current practice'';

(C) in paragraph (3)—

(i) by amending subparagraph (C) to read as follows:

''(C) The extent to which the applicant will promote meaningful involvement of parents or guardians of homeless children or youths in the education of their children.'';

(ii) in subparagraph (D), by striking ''within'' and inserting ''into'';

(iii) in subparagraph (G)—

(I) by striking ''Such'' and inserting ''The extent to which the applicant's program meets such''; and

(II) by striking ''case management or related'';

(iv) by redesignating subparagraph (G) as subparagraph (I) and inserting after subparagraph (F) the following:

''(G) The extent to which the local educational agency will use the subgrant to leverage resources, including by maximizing nonsubgrant funding for the position of the liaison described in section 722(g)(1)(J)(ii) and the provision of transportation.

''(H) How the local educational agency uses funds to serve homeless children and youths

under section 1113(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)).''; and

(v) by adding at the end the following:

''(J) An assurance that the applicant will meet the requirements of section 722(g)(3).''; and

(D) by striking paragraph (4).

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''challenging State academic content standards'' and inserting ''State academic standards''; and

(ii) by striking ''and challenging State student academic achievement standards'';

(B) in paragraph (2)—

(i) by striking ''students with limited English proficiency,'' and inserting ''English learners,'' ; and

(ii) by striking ''vocational'' and inserting ''career'';

(C) in paragraph (3), by striking ''pupil services'' and inserting ''specialized instructional support'';

(D) in paragraph (7), by striking '', and unaccompanied youths,'' and inserting '', particularly homeless children and youths who are not enrolled in school,'';

(E) in paragraph (9) by striking ''medical'' and inserting ''other required health'';

(F) in paragraph (10), by inserting before the period at the end '', and other activities designed to increase the meaningful involvement of parents or guardians of homeless children or youths in the education of their children'';

(G) in paragraph (12), by striking ''pupil'' and inserting ''specialized instructional support''; and

(H) in paragraph (13), by inserting before the period at the end ''and parental mental health or substance abuse problems''.

SEC. 704. SECRETARIAL RESPONSIBILITIES.

Section 724 of such Act (42 U.S.C. 11434) is amended—

(1) by amending subsection (c) to read as follows:

''(c) NOTICE.—

''(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the date of the enactment of the Student Success Act, update and disseminate nationwide the public notice described in this subsection (as in effect prior to such date) of the educational rights of homeless children and youths.

''(2) DISSEMINATION.—The Secretary shall disseminate the notice nationally to all Federal agencies, program grantees, and grant recipients serving homeless families, children, and youths.'';

(2) in subsection (d), by striking ''and dissemination'' and inserting '', dissemination, and technical assistance'';

(3) in subsection (e)—

(A) by striking ''applications for grants under this subtitle'' and inserting ''plans for the use of grant funds under section 722'';

(B) by striking ''60-day'' and inserting ''120-day''; and

(C) by striking ''120-day'' and inserting ''180-day'';

(4) in subsection (f), by adding at the end the following: ''The Secretary shall provide support and technical assistance to State educational agencies in areas in which barriers to a free appropriate public education persist.'';

(5) by amending subsection (g) to read as follows:

''(g) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of the enactment of the Student Success Act, strategies by which a State—

''(1) may assist local educational agencies to implement the provisions amended by the Act; and

''(2) can review and revise State policies and procedures that may present barriers to the identification, enrollment, attendance, and success of homeless children and youths in school.'';

(6) in subsection (h)(1)(A), by inserting ''in all areas served by local educational agencies'' before the semicolon at the end; and

(7) in subsection (i), by striking ''McKinney-Vento Homeless Education Assistance Improvements Act of 2001'' and inserting ''Student Success Act''.

SEC. 705. DEFINITIONS.

Section 725 of such Act (42 U.S.C. 11434a) is amended—

(1) in paragraph (2)(B)(iv), by striking ''1309'' and inserting ''1139'' and

(2) in paragraph (3), by striking ''9101'' and inserting ''5101''

SEC. 706. AUTHORIZATION OF APPROPRIATIONS.

Section 726 of such Act (42 U.S.C. 11435) is amended to read as follows:

''SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this subtitle, there are authorized to be appropriated $61,771,000 for each of fiscal years 2014 through 2019.''.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 113–158. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before action thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. KLINE

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 113–158.

Mr. KLINE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 25, line 5, insert '', at the State's discretion,'' after ''and''.

Page 28, line 13, strike ''and''.

Page 28, line 18, strike the period and insert '', and''.

Page 28, after line 18, insert the following:

''(xiv) where practicable, be developed using the principles of universal design for learning as defined in section 103(24) of the Higher Education Act of 1965 (20 U.S.C. 1003(24)).''.

Page 54, beginning on line 17, strike ''and early college high schools'' and insert '', early college high schools, and Advanced Placement or International Baccalaureate programs''.

Page 195, line 16, strike ''**AND TRIBES**'' and insert ''**, TRIBES, AND ALASKA NATIVE ORGANIZATIONS**''.

Page 195, line 19, strike ''and Indian tribes'' and insert '', Indian tribes, and Alaska Native organizations''.

Page 197, after line 8, insert the following:

''(d) ALASKA NATIVE ORGANIZATIONS.—With respect to an Alaska Native organization that desires to receive a grant under subsection (c), subsection (c) shall be applied—

''(1) by substituting 'Alaska Native organization' for 'Indian tribe'; and

''(2) by substituting 'Alaska Native children' for 'Indian children'.''.

Page 198, line 16, strike ''or Indian tribes'' and insert '', Indian tribes, or Alaska Native organizations''.

Page 224, line 25, insert ''(including an Alaska Native organization)'' after ''organization''.

Page 236, line 8, insert ''(including Alaska Native organizations)'' after ''organizations''.

Page 236, line 10, insert ''(including Alaska Native organizations)'' after ''organizations''.

Page 237, after line 8, insert the following new paragraph:

''(3) 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.''.

Page 237, line 9, strike ''(3)'' and insert ''(4)''.

Page 237, line 17, strike ''(4)'' and insert ''(5)''.

Page 251, after line 8, insert the following new subparagraphs:

''(F) representatives of public charter school authorizers;

''(G) public charter school leaders;''.

Page 251, line 9, strike ''(F)'' and insert ''(H)''.

Page 251, line 11, strike ''(G)'' and insert ''(I)''.

Page 267, line 19, insert '', including for teachers of civic education'' after ''teachers''.

Page 268, line 21, strike ''and dual enrollment'' and insert '', dual enrollment, Advanced Placement, or International Baccalaureate''.

Page 285, line 15, strike ''and dual enrollment'' and insert '', dual enrollment, Advanced Placement, or International Baccalaureate''.

Page 317, beginning on line 11, strike ''From the amount reserved under section 3102(b)(1), the Secretary shall'' and insert ''The Secretary shall not use less than 50 percent of the amount reserved under section 3102(b)(1) to''.

Page 320, line 7, strike ''both'' and insert ''more''.

Page 320, after line 18, insert the following new paragraph:

''(3) The predevelopment costs required to assess sites for purposes of paragraph (1) or (2) and which are necessary to commence or continue the operation of a charter school.''.

Page 363, line 2, strike ''and''.

Page 363, line 7, strike the period and insert ''; and''.

Page 363, after line 7, insert the following:

''(11) an assurance that the State will support projects from each of the categories listed in section 3204(b)(1)(D) in awarding subgrants to local educational agencies.''.

Page 366, line 6, insert ''including civic education,'' after ''programs,''.

Page 372, after line 23, insert the following new paragraph, and redesignate the succeeding paragraphs accordingly:

(1) in subsection (a)(1)(C), by amending the matter preceding clause (i) to read as follows:

''(C) had an assessed value according to original records (including facsimiles or other reproductions of those records) documenting the assessed value of such property (determined as of the time or times when so acquired) prepared by the local officials referred to in subsection (b)(3) or, when such original records are not available due to unintentional destruction (such as natural disaster, fire, flooding, pest infestation, or deterioration due to age), other records, including Federal agency records, local historical records, or other records that the Secretary

determines to be appropriate and reliable, aggregating 10 percent or more of the assessed value of—''.

Page 377, line 13, strike ''each of''.

Page 377, line 14, strike ''2012, 2013, and 2014'' and insert ''2012 and 2013''.

Page 377, line 17, strike ''each of''.

Page 377, beginning on line 17, strike ''2012, 2013, and 2014'' and insert ''2012 and 2013''.

Page 470, line 7, insert ''incentivize,'' after ''direct,''.

Page 470, line 10, insert ''incentive,'' after ''direction,''.

Page 475, after line 19, insert the following new section:

''SEC. 5530. PROHIBITION ON REQUIRING STATE PARTICIPATION.

''Any State that opts out of receiving funds, or that has not been awarded funds, under one or more programs under this Act shall not be required to carry out any of the requirements of such program or programs, and nothing in this Act shall be construed to require a State to participate in any program under this Act.''.

The CHAIR. Pursuant to House Resolution 303, the gentleman from Minnesota (Mr. KLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. KLINE. Mr. Chairman, I rise in support of the manager's amendment for H.R. 5, the Student Success Act, and I yield myself such time as I may consume.

For the first time in more than a decade, we are debating comprehensive legislation to reauthorize the Elementary and Secondary Education Act in Congress. This law is woefully overdue for a rewrite. While some seem perfectly content to leave students and schools tied to an outdated law, my Republican colleagues and I know our children deserve better.

The legislation before us today will help schools across America raise the bar and better prepare our children for a successful future. It will support unique student populations, protect our Nation's most vulnerable children and help States continue to narrow achievement gaps. Most importantly, the Student Success Act restores the balance between the Federal Government's limited role and the responsibilities of State and local governments to deliver an excellent education to all students. I would like to highlight a few technical changes included in the manager's amendment that will improve the underlying legislation and strengthen our efforts to ensure all students have access to a quality education.

□ 1545

To encourage more local control, the amendment specifies State assessments must measure individual student growth at the sole discretion of the State. This ensures States have maximum flexibility in developing their own accountability systems.

To support effective teachers, the amendment also clarifies school districts may use funds for professional development programs, for civic education teachers, or to operate a civic education program, if they so choose.

To promote parental choice and engagement, the amendment makes additional improvements to the charter school program ensuring equal funding for credit enhancement and allowing schools to use that funding for predevelopment.

Finally, to further reduce the Federal footprint in our schools, the amendment clarifies States may opt out of funding under the Elementary and Secondary Education Act entirely, freeing them from any requirements that would otherwise come tied to those Federal education resources.

Mr. Chairman, nothing is more important to the future of this Nation than the success of our children, and right now Federal education law isn't helping students gain the skills and knowledge they need. Our children deserve better. With passage of this legislation today, we can take a critical step forward in the fight for real education reform.

I strongly urge my colleagues to support the manager's amendment and the Student Success Act, and I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 1 minute.

For the most part, this manager's amendment is technical changes to the underlying bill. For the same reasons that I oppose the underlying bill, I oppose the manager's amendment.

I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. KLINE).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. YOUNG OF ALASKA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 113–158.

Mr. YOUNG of Alaska. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

(Page and line nos. refer to Rules Committee Print 113-18)

Page 4, line 21, after the dollar amount insert ''(reduced by $195,399,345)''.

Page 9, strike lines 2 and 3.

Page 11, strike line 3.

Page 11, strike lines 19 and 20.

Page 194, strike line 1 and all that follows through page 238, line 15.

Page 487, strike lines 13 through 16 and insert the following (and amend the table of contents accordingly):

TITLE VI—THE FEDERAL GOVERNMENT'S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION

SEC. 601. THE FEDERAL GOVERNMENT'S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION.

Title VI of the Act (20 U.S.C. 7301 et seq.) is amended to read as follows:

''TITLE VI—THE FEDERAL GOVERNMENT'S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION

''PART A—INDIAN EDUCATION

''SEC. 6101. STATEMENT OF POLICY.

''It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with, and responsibility to, the Indian people for the education of Indian children. The Federal Government will continue to work with local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children.

''SEC. 6102. PURPOSE.

''It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

''(1) to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet State student academic achievement standards.

''(2) to ensure that Indian and Alaskan Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

''(3) to ensure that school leaders, teachers, and other staff who serve Indian and Alaska Native students have the ability to provide culturally appropriate and effective instruction to such students.

''SUBPART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

''SEC. 6111. PURPOSE.

''It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, and other entities to improve the academic achievement of American Indian and Alaska Native students by providing for their unique cultural, language, and educational needs and ensuring that they are prepared to meet State academic standards.

''SEC. 6112. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.

''(a) IN GENERAL.—In accordance with this section and section 6113, the Secretary may make grants from allocations made under section 6113, to—

''(1) local educational agencies;

''(2) Indian tribes;

''(3) Indian organizations; and

''(4) Alaska Native Organizations

''(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 eligible under section 6117 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, an Indian reservation.

''(c) INDIAN TRIBES, INDIAN ORGANIZATIONS, ALASKA NATIVE ORGANIZATIONS, AND CONSORTIA.—

''(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 6114(c)(4) for such

grant, an Indian tribe, Indian organization, Alaska Native Organization, or consortium of such entities that represents not less than 1/3 of the eligible Indian or Alaska Native children who are served by such local educational agency may apply for such grant.

''(2) SPECIAL RULE.—

''(A) IN GENERAL.—The Secretary shall treat each Indian tribe, Indian organization, Alaska Native Organization, or consortium of such entities applying for a grant pursuant to paragraph (1) as if such applicant were a local educational agency for purposes of this subpart.

''(B) EXCEPTIONS.—Notwithstanding subparagraph (A), such Indian tribe, Indian organization, Alaska Native Organization, or consortium of such entities shall not be subject to the requirements of section 6114(c)(5), 6118(c), or 6119.

''(3) ELIGIBILITY.—If more than 1 applicant qualifies to apply for a grant under paragraph (1), the entity that represents the most eligible Indian and Alaska Native children who are served by the local educational agency shall be eligible to receive the grant or the applicants may apply in consortium and jointly operate a program.

''(d) INDIAN AND ALASKA NATIVE COMMUNITY-BASED ORGANIZATIONS.—

''(1) IN GENERAL.—If no local educational agency pursuant to subsection (b), and no Indian tribe, tribal organization, Alaska Native Organization, or consortium pursuant to subsection (c), applies for a grant under this subpart, Indian and Alaska Native community-based organizations serving the community of the local educational agency may apply for the grant.

''(2) APPLICABILITY OF SPECIAL RULE.—The Secretary shall apply the special rule in subsection (c)(2) to a community-based organization applying or receiving a grant under paragraph (1) in the same manner as such rule applies to an Indian tribe, Indian organization, Alaska Native Organization, or consortium.

''(3) DEFINITION OF INDIAN AND ALASKA NATIVE COMMUNITY-BASED ORGANIZATIONS.—In this subsection, the term 'Indian and Alaska Native community-based organizations' means any organizations that—

''(A) are composed primarily of the family members of Indian or Alaska Native students, Indian or Alaska Native community members, tribal government education officials, and tribal members from a specific community;

''(B) assist in the social, cultural, and educational development of Indians or Alaska Natives in such community;

''(C) meet the unique cultural, language, and academic needs of Indian or Alaska Native students; and

''(D) demonstrate organizational and administrative capacity to effectively manage the grant.

''SEC. 6113. AMOUNT OF GRANTS.

''(a) AMOUNT OF GRANT AWARDS.—

''(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), 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 6117 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 otherwise determined under this section in accordance with subsection (e).

''(b) MINIMUM GRANT.—

''(1) IN GENERAL.—Notwithstanding subsection (e), an entity that is eligible for a grant under section 6112, and a school that is operated or supported by the Bureau of Indian Education that is eligible for a grant under subsection (d), 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 grantees if the Secretary determines such increase is necessary to ensure the quality of the programs provided.

''(c) DEFINITION.—For the purpose of this section, the term average per pupil expenditure'', used with respect to 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 for whom such agencies provided free public education during such preceding fiscal year.

''(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN EDUCATION.—

''(1) IN GENERAL.—Subject to subsection (e), in addition to the grants awarded under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

''(A) the total number of Indian children enrolled in schools that are operated by—

''(i) the Bureau of Indian Education; or

''(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act 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)(A) that wishes to receive an allocation under this subpart shall submit an application in accordance with section 6114, and shall otherwise be treated as a local educational agency for the purpose of this subpart, except that such school shall not be subject to section 6114(c)(5), section 6118(c), or section 6119.

''(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year to carry out this subpart are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

''SEC. 6114. 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 and Alaska Native 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, tribal, and local plans submitted under other provisions of this Act; and

''(B) includes academic content and student academic achievement goals for such children, and benchmarks for attaining such goals, that are based on State academic content and student academic achievement standards adopted under title I for all children;

''(3) explains how the local educational agency will use the funds made available under this subpart to supplement other Federal, State, and local programs that serve such students;

''(4) demonstrates how funds made available under this subpart will be used for activities described in section 6115;

''(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 or Alaska Native community are prepared to work with Indian and Alaska Native children;

''(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; and

''(C) those family members of Indian and Alaska Native children and representatives of tribes who are on the committee described in (c)(5) will participate in the planning of professional development materials

''(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 described in subsection (c)(5); and

''(ii) the community served by the local educational agency; and

''(iii) the tribes whose children are served by the local educational agency

''(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A); and

''(7) explicitly delineates—

''(A) a formal, collaborative process that the local educational agency used to directly involve tribes, Indian organizations, or Alaska Native Organizations in the development of the comprehensive programs and the results of such process; and

''(B) how the local educational agency plans to ensure that tribes, Indian organizations, or Alaska Native Organizations will play an active, meaningful, and ongoing role in the functioning of the comprehensive programs.

''(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 services described in this subsection, and not to supplant such funds;

''(2) the local educational agency will use funds received under this subpart only for

activities described and authorized under this subpart;

''(3) 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 and Alaska Native students served by such agency; and

''(C) determine the extent to which such activities address the unique cultural, language, and educational needs of Indian students.

''(4) 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 or Alaska Native community; and

''(C) was developed by such agency in open consultation with the families of Indian or Alaska Native children, Indian or Alaska Native teachers, Indian or Alaska Native students from secondary schools, and representatives of tribes, Indian organizations, or Alaska Native Organizations in the community 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

''(5) 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) family members of Indian and Alaska Native children that are attending the local educational agency's schools;

''(ii) teachers in the schools; and

''(iii) Indian and Alaska Native students attending secondary schools of the agency;

''(B) a majority of whose members are family members of Indian and Alaska Native children that are attending the local educational agency's schools;

''(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 in accordance with section 6115(c), that has—

''(i) reviewed in a timely fashion the program; and

''(ii) determined that the program will not diminish the availability of culturally related activities for American Indian and Alaska Native students; and

''(iii) will directly enhance the educational experience of 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.

''(6) the local educational agency conducted adequate outreach to family members to meet the requirements under subsection (c)(5).

''SEC. 6115. 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 6111, 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 6114(a) solely for the services and activities described in such application;

''(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 ACTIVITIES.—The services and activities referred to in subsection (a) may include—

''(1) activities that support Native American language immersion programs and Native American language restoration programs, which may be taught by traditional leaders;

''(2) culturally related activities that support the program described in the application submitted by the local educational agency;

''(3) early childhood and family programs that emphasize school readiness;

''(4) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic content and student academic achievement standards;

''(5) integrated educational services in combination with other programs including programs that enhance student achievement by promoting increased involvement of parents and families in school activities;

''(6) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Improvement Act of 2006, including programs for tech-prep education, mentoring, and apprenticeship;

''(7) activities to educate individuals so as to prevent violence, suicide, and substance abuse;

''(8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 6111;

''(9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

''(10) activities that incorporate culturally and linguistically relevant curriculum content into classroom instruction that is responsive to the unique learning styles of Indian and Alaska Native children and ensures that children are better able to meet State standards;;

''(11) family literacy services;

''(12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors;

''(13) dropout prevention strategies for Indian and Alaska Native students; and

''(14) strategies to meet the educational needs of at-risk Indian students in correctional facilities, including such strategies that support Indian and Alaska Native students who are transitioning from such facilities to schools served by local educational agencies;

''(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 established pursuant to section 6114(c)(5) approves the use of the funds for the schoolwide program;

''(2) the schoolwide program is consistent with the purpose described in section 6111; and

''(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will produce benefits to the American Indian and Alaska Native students that would not be achieved if the funds were not used in a schoolwide program.

''(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

''(e) LIMITATION ON THE USE OF FUNDS.—Funds provided to a grantee under this subpart may not be used for long-distance travel expenses for training activities available locally or regionally.

''SEC. 6116. INTEGRATION OF SERVICES AUTHORIZED.

''(a) PLAN.—An entity receiving funds under this subpart may submit a plan to the Secretary 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 entity, shall authorize the entity to consolidate, in accordance with such plan, the federally funded education and related services programs of the entity and the Federal programs, 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 (a) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved under any Federal program to exclusively serve Indian children, under which the entity is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services that would be used to serve 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 concerning authorizing the 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 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 agency or 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 entity believes need to be waived in order to implement the plan;

''(8) set forth measures for academic content and student academic achievement goals designed to be met within a specific period of time; and

''(9) be approved by a committee formed in accordance with section 6114(c)(5), if such a committee exists.

''(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department 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 departmental regulations, policies, or procedures necessary to enable the entity to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the entity or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the objectives of this subpart or those 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 entity's plan by the Secretary, the Secretary shall inform the entity, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the entity 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 Student Success Act of 2013, the Secretary of Education, the Secretary of the Interior, the Secretary of the Department of Health and Human Services, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation and coordination of the demonstration projects authorized under this section. The lead agency head for a demonstration project under this section shall be—

''(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

''(2) the Secretary of Education, in the case of any other entity.

''(h) RESPONSIBILITIES OF LEAD AGENCY.—The responsibilities of the lead agency 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.—A single report format shall be developed by the Secretary, consistent with the requirements of this section. Such report format shall require that reports described in subsection (h), together with records maintained on the consolidated program at the local level, shall contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in its approved plan, including making a demonstration of student academic achievement, and will provide assurances to each Secretary that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

''(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.—Program funds for the consolidated programs shall be administered 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 granted 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 the responsibilities for the safeguarding of 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 Student Success Act of 2013, the Secretary of Education shall submit a preliminary report to the Committee on Education and the Workforce and the Committee on Natural 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 Student Success Act of 2013, the Secretary of Education shall submit a report to the Committee on Education and the Workforce and the Committee on Natural 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) DEFINITIONS.—For the purposes of this section, the term ''Secretary'' means—

''(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

''(2) the Secretary of Education, in the case of any other entity.

''SEC. 6117. 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.—The form described in subsection (a) shall include—

''(1) either—

''(A)(i) the name of the tribe or band of Indians (as defined in section 6151) with respect to which the child claims membership;

''(ii) the enrollment or membership 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

''(B) the name, the enrollment or membership number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership data, of any parent or grandparent of the child from whom the child claims eligibility under this subpart, if the child is not a member of the tribe or band of Indians (as so defined);

''(2) 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;

''(3) the name and address of the parent or legal guardian of the child;

''(4) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

''(5) any other information that the Secretary considers necessary to provide an accurate program profile.

''(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 6151.

''(d) DOCUMENTATION AND TYPES OF PROOF.—

''(1) TYPES OF PROOF.—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 6113, 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.

''(2) NO NEW OR DUPLICATIVE DETERMINATIONS.—Once a child is determined to be an Indian eligible to be counted for such grant award, the local education agency shall maintain a record of such determination and shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.

''(3) PREVIOUSLY FILED FORMS.—An Indian student eligibility form that was on file as required by this section on the day before the date of enactment of the Student Success Act of 2013 and that met the requirements of this section, as this section was in

effect on the day before the date of enactment of such Act, shall remain valid for such Indian student.

''(e) 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 recipients of grants under this subpart. The sampling conducted under this subparagraph shall take into account the size of and the geographic location of each local educational 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 an 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 under section 6113.

''(f) TRIBAL GRANT AND CONTRACT SCHOOLS.—Notwithstanding any other provision of this section, in calculating the amount of a grant under this subpart to a tribal school that receives a grant or contract from the Bureau of Indian Education, the Secretary shall use only one of the following, as selected by the school:

''(1) A count of the number of students in the schools certified by the Bureau.

''(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

''(g) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in calculating the amount of a local educational agency's grant under this subpart (other than in the case described in subsection (f)(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 6114; 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. 6118. 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 determined under section 6113. 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 chapter 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 the full amount of a grant award determined under section 6113 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, 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 TO MAINTAIN EFFORT.—If, for the preceding fiscal year, the Secretary determines that a local educational agency and State failed to maintain the combined fiscal effort for such agency 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 agency and State expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

''(3) 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 agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

''(d) REALLOCATIONS.—The Secretary may reallocate, in 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. 6119. STATE EDUCATIONAL AGENCY REVIEW.

''Before submitting an application to the Secretary under section 6114, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, the agency shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

''SUBPART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH

''SEC. 6121. SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH.

''(a) PURPOSE.—

''(1) IN GENERAL.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children and youth.

''(2) COORDINATION.—The Secretary shall take the necessary actions 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 and youth.

''(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), Alaska Native Organization, 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 of this section, including—

''(A) innovative programs related to the educational needs of educationally disadvantaged children and youth;

''(B) educational services that are not available to such children and youth in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian and Alaska Native children in one 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, emotional, 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 high school graduation for Indian children;

''(F) comprehensive guidance, counseling, and testing services;

''(G) high quality early childhood education programs that are effective in preparing young children to make sufficient academic growth by the end of grade 3, including kindergarten and pre-kindergarten programs, family-based preschool programs that emphasize school readiness, screening and referral, and the provision of services to Indian children and youth 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 to postsecondary education;

''(I) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;

''(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;

''(K) family literacy services;

''(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; or

''(M) high quality professional development of teaching professionals and paraprofessionals; or

''(N) other services that meet the purpose described in 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) for a period not to exceed 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 two or more of the activities described in subsection (c) over a period of more than 1 year.

''(C) PROGRESS.—The Secretary shall make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant 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 reasonably 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 scientifically based research program, where applicable, 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 grantee under this subpart for any fiscal year may be used for administrative purposes.

''SEC. 6122. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to increase the number of qualified Indian and Alaska Native teachers and administrators serving Indian and Alaska Native students;

''(2) to provide training to qualified Indian and Alaska Native individuals to become educators and education support service professionals; and

''(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

''(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term eligible entity'' means—

''(1) an institution of higher education, including an Indian institution of higher education;

''(2) a State educational agency or local educational agency, in consortium with an institution of higher education;

''(3) an Indian tribe or organization, in consortium with an institution of higher education; and

''(4) a Bureau-funded school (as defined in section 1146 of the Education Amendments of 1978).

''(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable those entities to carry out the activities described in subsection (d).

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Grant funds under this section 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, and may include programs designed to train tribal elders and seniors.

''(2) SPECIAL RULES.—

''(A) TYPE OF TRAINING.—For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

''(B) PROGRAM.—For individuals who are being trained to enter any field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

''(e) 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 reasonably require. At a minimum

''(f) SPECIAL RULE.—In awarding grants under this section, the Secretary—

''(1) shall consider the prior performance of the eligible entity; and

''(2) may not limit eligibility to receive a grant under this section 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 under this section shall be awarded for a period of not more than 5 years.

''(h) SERVICE OBLIGATION.—

''(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

''(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.

''(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning compliance with the work requirement under paragraph (1).

''SEC. 6123. TRIBAL EDUCATION AGENCIES COOPERATIVE AGREEMENTS.

''(a) PURPOSE.—Tribes may enter into written cooperative agreements with the State educational agency and the local educational agencies operating a school or schools within Indian lands. For purposes of this section, the term 'Indian land' has the meaning given that term in section 8013.

''(b) COOPERATIVE AGREEMENT.—If requested by the Indian tribe, the State educational agency or the local educational agency may enter into a cooperative agreement with the Indian tribe. Such cooperative agreement—

''(1) may authorize the tribe or such tribe's respective tribal education agency to plan, conduct, consolidate, and administer programs, services, functions, and activities, or portions thereof, administered by the State educational agency or the local educational agency;

''(2) may authorize the tribe or such tribe's respective tribal education agency to reallocate funds for such programs, services, functions, and activities, or portions thereof as necessary; and

''(3) shall—

''(A) only confer the tribe or such tribe's respective tribal education agency with responsibilities to conduct activities described in paragraph (1) such that the burden assumed by the tribe or the tribal education agency for conducting such is commensurate with the benefit that doing so conveys to all parties of the agreement; and

''(B) be based solely on terms of the written agreement decided upon by the Indian tribe and the State educational agency or local education agency.

''(c) DISAGREEMENT.—Agreements shall only be valid if the Indian tribe and State educational agency or local educational agency agree fully in writing to all of the terms of the written cooperative agreement.

''(d) COMPLIANCE WITH APPLICABLE LAW.—Nothing in this section shall be construed to relieve any party to a cooperative agreement from complying with all applicable Federal, State, local laws. State and local educational agencies are still the ultimate responsible, liable parties for complying with all laws and funding requirements for any functions that are conveyed to tribes and tribal education agencies through the cooperative agreements.

''(e) DEFINITION.—For the purposes of this subpart, the term 'Indian Tribe' means any tribe or band that is officially recognized by the Secretary of the Interior.

''SUBPART 3—NATIONAL ACTIVITIES

''SEC. 6131. NATIONAL RESEARCH ACTIVITIES.

''(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available to carry out this subpart for each fiscal year to—

''(1) conduct research related to effective approaches for improving the academic achievement and development of Indian and Alaska Native children and adults;

''(2) collect and analyze data on the educational status and needs of Indian and Alaska Native students; 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 coordinated with appropriate offices within the Department; and

''(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education Programs, the Office of Educational Research and Improvement, the Bureau of Indian Education, and the Institute of Education Sciences.

''SEC. 6132. IMPROVEMENT OF ACADEMIC SUCCESS FOR STUDENTS THROUGH NATIVE AMERICAN LANGUAGE.

''(a) PURPOSE.—It is the purpose of this section to improve educational opportunities and academic achievement of Indian and Alaska Native students through Native American language programs and to foster the acquisition of Native American language.

''(b) DEFINITION OF ELIGIBLE ENTITY.—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.—The Secretary shall award grants to eligible entities to enable such entities to carry out the following activities:

''(1) Native American language programs that—

''(A) provide instruction through the use of a Native American language for not less than 10 children for an average of not less than 500 hours per year per student;

''(B) provide for the involvement of parents, caregivers, and families of students enrolled in the program;

''(C) utilize, and may include the development of, instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages;

''(D) provide support for professional development activities; and

''(E) include a goal of all students achieving—

''(i) fluency in a Native American language; and

''(ii) academic proficiency in mathematics, English, reading or language arts, and science.

''(2) Native American language restoration programs that—

''(A) provide instruction in not less than 1 Native American language;

''(B) provide support for professional development activities for teachers of Native American languages;

''(C) develop instructional materials for the programs; and

''(D) include the goal of increasing proficiency and fluency in not less than 1 Native American language.

''(d) APPLICATION.—

''(1) IN GENERAL.—An eligible entity that desires 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.

''(2) CERTIFICATION.—An eligible entity that submits an application for a grant to carry out the activity specified in subsection (c)(1), shall include in such application a certification that assures that such entity has experience and a demonstrated record of effectiveness in operating and administering a Native American language program or any other educational program in which instruction is conducted in a Native American language.

''(e) GRANT DURATION.—The Secretary shall make grants under this section only on a multi-year basis. Each such grant shall be for a period not to exceed 5 years.

''(f) DEFINITION.—In this section, the term 'average' means the aggregate number of hours of instruction through the use of a Native American language to all students enrolled in a Native American language program during a school year divided by the total number of students enrolled in the program.

''(g) ADMINISTRATIVE COSTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

''(2) EXCEPTION.—An elementary school or secondary school for Indian students that receives funds from a recipient of a grant under subsection (c) for any fiscal year may use not more than 10 percent of the funds for administrative purposes.

''SEC. 6133. 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.

''SUBPART 4—FEDERAL ADMINISTRATION

''SEC. 6141. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

''(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the Council'', which shall—

''(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

''(2) represent different geographic areas of the 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) 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 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. 6142. PEER REVIEW.

''The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2 or subpart 3.

''SEC. 6143. PREFERENCE FOR INDIAN APPLICANTS.

''In making grants and entering into contracts or cooperative agreements under subpart 2 or subpart 3, 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. 6144. MINIMUM GRANT CRITERIA.

''The Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or subpart 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 5—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

''SEC. 6151. DEFINITIONS.

''For the purposes of this part:

''(1) ADULT.—The term 'adult' means an individual who—

''(A) has attained the age of 16 years; 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) considered by the Secretary of the Interior to be an Indian for any purpose;

''(D) an Alaska Native, as defined in section 6206(1); 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.

''(4) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native Organization' has the same meaning as defined in section 6206(2).

''SEC. 6152. AUTHORIZATIONS OF APPROPRIATIONS.

''(a) SUBPART 1.—For the purpose of carrying out subpart 1, there are authorized to be appropriated $98,245,425 for each of fiscal years 2014 through 2019.

''(b) SUBPARTS 2 AND 3.—For the purpose of carrying out subparts 2 and 3, there are authorized to be appropriated $33,303,534 for each of fiscal years 2014 through 2019.

''PART B—ALASKA NATIVE EDUCATION

''SEC. 6201. SHORT TITLE.

''This part may be cited as the 'Alaska Native Educational Equity, Support, and Assistance Act'.

''SEC. 6202. FINDINGS.

''Congress finds and declares the following:

''(1) The preservation of culture and language is critical to the attainment of educational success, to the betterment of the conditions, and to the long-term well-being, of Alaska Natives. Alaska Native students must be afforded a culturally relevant education.

''(2) It is the policy of the Federal Government to maximize the leadership of and participation by Alaska Natives in the planning and the management of Alaska Native education programs and to support efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

''(3) Many Alaska Native children enter and exit school with serious educational disadvantages.

''(4) Overcoming the magnitude of the geographic challenges, historical inequities, and other barriers to successfully improving educational outcomes for Alaska Native students in rural, village, and urban settings is challenging. Significant disparities between academic achievement of Alaska Native students and non-Native students continues, including lower graduation rates, increased school dropout rates, and lower achievement scores on standardized tests.

''(5) The preservation of Alaska Native cultures and languages and the integration of Alaska Native cultures and languages into education, positive identity development for Alaska Native students, and local, place-based, and culture-based programming are critical to the attainment of educational success and the long-term well-being of Alaska Native students.

''(6) Improving educational outcomes for Alaska Native students increases access to employment opportunities.

''(7) The programs and activities authorized under this part give priority to Alaska Native organizations as a means of increasing Alaska Native parents' and community involvement in the promotion of academic success of Alaska Native students.

''(8) The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for Alaska Native students. In 1983, pursuant to Public Law 98–63, Alaska ceased to receive educational funding from the Bureau of Indian Affairs. The Bureau of Indian Education does not operate any schools in Alaska, nor operate or fund Alaska Native education programs. The program under this part supports the Federal trust responsibility of the United States to Alaska Natives.

''SEC. 6203. PURPOSES.

''The purposes of this part are as follows:

''(1) To recognize and address the unique educational needs of Alaska Natives.

''(2) To recognize the role of Alaska Native languages and cultures in the educational success and long-term well-being of Alaska Native students.

''(3) To integrate Alaska Native cultures and languages into education, develop Alaska Native students' positive identity, and support local place-based and culture-based curriculum and programming.

''(4) To authorize the development, management, and expansion of effective supplemental educational programs to benefit Alaska Natives.

''(5) To 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.

''(6) To ensure the maximum participation by Alaska Native educators and leaders in the planning, development, management, and evaluation of programs designed to serve Alaska Natives students, and to ensure Alaska Native organizations play a meaningful role in supplemental educational services provided to Alaska Native students.

''SEC. 6204. 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, State educational agencies, local educational agencies, educational entities with experience in developing or operating Alaska Native educational programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organizations with experience in developing or operating programs to benefit the educational needs of Alaska Natives, and consortia of organizations and entities described in this paragraph, to carry out programs that meet the purposes of this part.

''(2) ADDITIONAL REQUIREMENT.—A State educational agency, local educational agency, educational entity with experience in developing or operating Alaska Native educational programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organization with experience in developing or operating programs to benefit the educational needs of Alaska Natives, or consortium of such organizations and entities is eligible for an award under this part only as part of a partnership involving an Alaska Native organization.

''(3) MANDATORY ACTIVITIES.—Activities provided through the programs carried out under this part shall include the following which shall only be provided specifically in the context of elementary and secondary education:

''(A) The development and implementation of plans, methods, and strategies to improve the education of Alaska Natives.

''(B) The collection of data to assist in the evaluation of the programs carried out under this part.

''(4) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include the following which shall only be provided specifically in the context of elementary and secondary education:

''(A) The development of curricula and programs that address the educational needs of Alaska Native students, including the following:

''(i) Curriculum materials that reflect the cultural diversity, languages, history, or the contributions of Alaska Natives.

''(ii) Instructional programs that make use of Alaska Native languages and cultures.

''(iii) Networks that develop, test, and disseminate best practices and introduce successful programs, materials, and techniques to meet the educational needs of Alaska Native students in urban and rural schools.

''(B) Training and professional development activities for educators, including the following:

''(i) Pre-service and in-service training and professional development programs to prepare teachers to develop appreciation for and understanding of Alaska Native cultures, values, ways of knowing and learning in order to effectively address the cultural diversity and unique needs of Alaska Native students.

''(ii) Recruitment and preparation of teachers who are Alaska Native.

''(iii) Programs that will lead to the certification and licensing of Alaska Native teachers, principals, and superintendents.

''(C) The development and operation of student enrichment programs, including those in science, technology, engineering, and mathematics that—

''(i) are designed to prepare Alaska Native students to excel in such subjects;

''(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs; and

''(iii) include activities that recognize and support the unique cultural and educational needs of Alaska Native children, and incorporate appropriately qualified Alaska Native elders and other tradition bearers.

''(D) Research and data collection activities to determine the educational status and needs of Alaska Native children.

''(E) Other research and evaluation activities related to programs carried out under this part.

''(F) Remedial and enrichment programs to assist Alaska Native students to be college or career ready upon graduation from high school.

''(G) Culturally based education programs designed and provided by an entity with demonstrated experience in—

''(i) providing programs of study, both on site and in local schools, to share the rich

and diverse cultures of Alaska Native peoples among youth, elders, teachers, and the larger community;

''(ii) instructing Alaska Native youth in leadership, communication, Native culture, arts, and languages;

''(iii) increasing the high school graduation rate of Alaska Native students who are served;

''(iv) providing instruction in Alaska Native history and ways of living to students and teachers in the local school district;

''(v) providing intergenerational learning and internship opportunities to Alaska Native youth and young adults; and

''(vi) providing cultural immersion activities aimed at Alaska Native cultural preservation.

''(H) Statewide on-site exchange programs, for both students and teachers, that work to facilitate cultural relationships between urban and rural Alaskans to build mutual respect and understanding, and foster a statewide sense of common identity through host family, school, and community cross-cultural immersion.

''(I) Education programs for at-risk urban Alaska Native students in kindergarten through grade 12 that work to increase graduation rates among such students and that—

''(i) include culturally-informed curriculum intended to preserve and promote Alaska Native culture;

''(ii) partner effectively with the local school district by providing a school-within-a school program model;

''(iii) provide high-quality academic instruction, small classroom sizes, and social-emotional support for students from elementary school through high school, including residential support;

''(iv) work with parents to increase parental involvement in their students' education;

''(v) work to improve academic proficiency and increase graduation rates;

''(vi) provide college preparation and career planning; and

''(vii) incorporate a strong data collection and continuous evaluation component at all levels of the program.

''(J) Statewide programs that provide technical assistance and support to schools and communities to engage adults in promoting the academic progress and overall well-being of Alaska Native people through child and youth development, positive youth-adult relationships, improved conditions for learning (school climate, student connection to school and community), and increased connections between schools and families.

''(K) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities.

''(L) Support for the development and operational activities of regional vocational schools in rural areas of Alaska to provide students with necessary resources to prepare for skilled employment opportunities.

''(M) Other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

''(N) Regional leadership academies that demonstrate effectiveness in building respect, understanding, and fostering a sense of Alaska Native identity to promote their pursuit of and success in completing higher education or career training.

''(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to an award recipient under this part for any fiscal year may be used for administrative purposes.

''(c) PRIORITIES.—In awarding grants or contracts to carry out activities described in this subpart, the Secretary shall give priority to applications from Alaska Native Organizations. Such priority shall be explicitly delineated in the Secretary's process for evaluating applications and applied consistently and transparently to all applications from Alaska Native Organizations.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $31,453,135 for each of fiscal years 2014 through 2019.

"SEC. 6205. ADMINISTRATIVE PROVISIONS.

''(a) APPLICATION REQUIRED.—

''(1) IN GENERAL.—No grant may be made under this part, and no contract may be entered into under this part, unless the Alaska Native organization or entity seeking the grant or contract submits an application to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

''(2) REQUIREMENT FOR CERTAIN APPLICANTS.—An applicant described in section 6204(a)(2) shall, in the application submitted under this paragraph—

''(A) demonstrate that an Alaska Native organization was directly involved in the development of the program for which the application seeks funds and explicitly delineate the meaningful role that the Alaska Native organization will play in the implementation and evaluation of the program for which funding is sought; and

''(B) provide a copy of the Alaska Native organization's governing document.

''(b) CONSULTATION REQUIRED.—Each applicant for an award under this part shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

''(c) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for an award under this part shall inform each local educational agency serving students who would participate in the program to be carried out under the grant or contract about the application.

''(d) CONTINUATION AWARDS.—An applicant described in section 6204(a)(2) that receives funding under this part shall periodically demonstrate to the Secretary, during the term of the award, that the applicant is continuing to meet the requirements of subsection (a)(2)(A).

"SEC. 6206. DEFINITIONS.

''In this part:

''(1) ALASKA NATIVE.—The term 'Alaska Native' has the same meaning as the term 'Native ' has in section 3(b) of the Alaska Native Claims Settlement Act and their descendants.

''(2) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native organization' means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, and an 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.

''PART C—NATIVE HAWAIIAN EDUCATION

"SEC. 6301. 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, and many other countries.

''(2) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands.

''(3) The political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives.

''(4) 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 many Federal statutes, including—

''(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

''(B) Public Law 95–341 (commonly known as 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 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.).

''(5) Many Native Hawaiian students lag behind other students in terms of—

''(A) school readiness factors;

''(B) scoring below national norms on education achievement tests at all grade levels;

''(C) underrepresentation in the uppermost achievement levels and in gifted and talented programs;

''(D) overrepresentation among students qualifying for special education programs;

''(E) underrepresentation in institutions of higher education and among adults who have completed 4 or more years of college;

''(6) The percentage of Native Hawaiian students served by the State of Hawaii Department of Education rose 30 percent from 1980 to 2008, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

''(7) 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.

"SEC. 6302. PURPOSES.

''The purposes of this part are—

''(1) to authorize, develop, implement, assess, and evaluate innovative educational programs, Native Hawaiian language medium programs, Native Hawaiian culture-based education programs, and other education programs to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet challenging State student academic achievement standards;

''(2) to provide guidance to appropriate Federal, State, and local agencies to more effectively and efficiently focus resources, including resources made available under this part, on the development and implementation of—

''(A) innovative educational programs for Native Hawaiians;

''(B) rigorous and substantive Native Hawaiian language programs; and

''(C) Native Hawaiian culture-based educational programs; and

''(3) to create a system by which information from programs funded under this part will be collected, analyzed, evaluated, reported, and used in decisionmaking activities regarding the types of grants awarded under this part.

"SEC. 6303. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.

''(a) GRANT AUTHORIZED.—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 that receive funding under this part, the Secretary shall award a grant to an education council, as described under subsection (b).

''(b) EDUCATION COUNCIL.—

''(1) ELIGIBILITY.—To be eligible to receive the grant under subsection (a), the council shall be an education council (referred to in this section as the 'Education Council') that meets the requirements of this subsection.

''(2) COMPOSITION.—The Education Council shall consist of 15 members of whom—

''(A) 1 shall be the President of the University of Hawaii (or a designee);

''(B) 1 shall be the Governor of the State of Hawaii (or a designee);

''(C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

''(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

''(E) 1 shall be the executive director of Hawaii's Charter School Network (or a designee);

''(F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);

''(G) 1 shall be the Chief Executive Officer of the Queen Liliuokalani Trust (or a designee);

''(H) 1 shall be a member, selected by the other members of the Education Council, who represents a private grant-making entity;

''(I) 1 shall be the Mayor of the County of Hawaii (or a designee);

''(J) 1 shall be the Mayor of Maui County (or a designee from the Island of Maui);

''(K) 1 shall be the Mayor of the County of Kauai (or a designee);

''(L) 1 shall be appointed by the Mayor of Maui County from the Island of either Molokai or Lanai;

''(M) 1 shall be the Mayor of the City and County of Honolulu (or a designee);

''(N) 1 shall be the chairperson of the Hawaiian Homes Commission (or a designee); and

''(O) 1 shall be the chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector).

''(3) REQUIREMENTS.—Any designee serving on the Education Council shall demonstrate, as determined by the individual who appointed such designee with input from the Native Hawaiian community, not less than 5 years of experience as a consumer or provider of Native Hawaiian education or cultural activities, with traditional cultural experience given due consideration.

''(4) LIMITATION.—A member (including a designee), while serving on the Education Council, shall not be a recipient of grant funds that are awarded under this part.

''(5) TERM OF MEMBERS.—A member who is a designee shall serve for a term of not more than 4 years.

''(6) CHAIR, VICE CHAIR.—

''(A) SELECTION.—The Education Council shall select a Chair and a Vice Chair from among the members of the Education Council.

''(B) TERM LIMITS.—The Chair and Vice Chair shall each serve for a 2-year term.

''(7) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL.—The Education Council shall meet at the call of the Chair of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

''(8) NO COMPENSATION.—None of the funds made available through the grant may be used to provide compensation to any member of the Education Council or member of a working group established by the Education Council, for functions described in this section.

''(c) USE OF FUNDS FOR COORDINATION ACTIVITIES.—The Education Council shall use funds made available through the grant to carry out each of the following activities:

''(1) Providing advice about the coordination, and serving as a clearinghouse for, the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

''(2) Assessing the extent to which such services and programs meet the needs of Native Hawaiians, and collecting data on the status of Native Hawaiian education.

''(3) Providing 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 serving, where appropriate, in an advisory capacity.

''(4) Awarding grants, if such grants enable the Education Council to carry out the activities described in paragraphs (1) through (3).

''(5) Hiring an executive director who shall assist in executing the duties and powers of the Education Council, as described in subsection (d).

''(d) USE OF FUNDS FOR TECHNICAL ASSISTANCE.—The Education Council shall use funds made available through the grant to—

''(1) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

''(2) obtain from such grantees information and data regarding grants awarded under this part, including information and data about—

''(A) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in paragraph (6)(D), using metrics related to these priorities; and

''(B) the effectiveness of such grantees in carrying out any of the activities described in section 6304(c) that are related to the specific goals and purposes of each grantee's grant project, using metrics related to these priorities;

''(3) assess and define the educational needs of Native Hawaiians;

''(4) assess the programs and services available to address the educational needs of Native Hawaiians;

''(5) assess and evaluate the individual and aggregate impact achieved by grantees under this part in improving Native Hawaiian educational performance and meeting the goals of this part, using metrics related to these goals;

''(6) prepare and submit to the Secretary, at the end of each calendar year, an annual report that contains—

''(A) a description of the activities of the Education Council during the calendar year;

''(B) a description of significant barriers to achieving the goals of this part;

''(C) a summary of each community consultation session described in subsection (e); and

''(D) recommendations to establish priorities for funding under this part, based on an assessment of—

''(i) the educational needs of Native Hawaiians;

''(ii) programs and services available to address such needs;

''(iii) the effectiveness of programs in improving the educational performance of Native Hawaiian students to help such students meet challenging State student academic achievement standards; and

''(iv) priorities for funding in specific geographic communities.

''(e) USE OF FUNDS FOR COMMUNITY CONSULTATIONS.—The Education Council shall use funds made available though the grant under subsection (a) to hold not less than 1 community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

''(1) not less than 3 members of the Education Council shall be in attendance;

''(2) the Education Council shall gather community input regarding—

''(A) current grantees under this part, as of the date of the consultation;

''(B) priorities and needs of Native Hawaiians; and

''(C) other Native Hawaiian education issues; and

''(3) the Education Council shall report to the community on the outcomes of the activities supported by grants awarded under this part.

''(f) FUNDING.—For each fiscal year, the Secretary shall use the amount described in section 6305(d)(2), to make a payment under the grant. Funds made available through the grant shall remain available until expended.

''(g) REPORT.—Beginning not later than 2 years after the date of enactment of the Student Success Act, and for each subsequent year, 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 and the Committee on Health, Education, Labor, and Pensions of the Senate, a report that—

''(1) summarizes the annual reports of the Education Council;

''(2) describes the allocation and use of funds under this part and the information gathered since the first annual report submitted by the Education Council to the Secretary under this section; and

''(3) contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

"SEC. 6304. GRANT PROGRAM AUTHORIZED.

''(a) GRANTS AND CONTRACTS.—In order to carry out programs that meet the purposes of this part, the Secretary is authorized to award grants to, or enter into contracts with—

''(1) Native Hawaiian educational organizations;

''(2) Native Hawaiian community-based organizations;

''(3) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian education and workforce development programs or programs of instruction in the Native Hawaiian language;

''(4) charter schools; and

''(5) consortia of the organizations, agencies, and institutions described in paragraphs (1) through (4).

''(b) PRIORITY.—In awarding grants and entering into contracts under this part, the Secretary shall give priority to—

''(1) programs that meet the educational priority recommendations of the Education Council, as described under section 6303(d)(6)(D);

''(2) the repair and renovation of public schools that serve high concentrations of Native Hawaiian students;

''(3) programs designed to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet challenging State student academic achievement standards, including activities relating to—

''(A) achieving competence in reading, literacy, mathematics, and science for students in preschool through grade 3;

''(B) the educational needs of at-risk children and youth;

''(C) professional development for teachers and administrators;

''(D) the use of Native Hawaiian language and preservation or reclamation of Native Hawaiian culture-based educational practices; and

''(E) other programs relating to the activities described in this part; and

''(4) programs in which a local educational agency, institution of higher education, or a State educational agency in partnership with a nonprofit entity serving underserved communities within the Native Hawaiian population apply for a grant or contract under this part as part of a partnership or consortium.

''(c) AUTHORIZED ACTIVITIES.—Activities provided through programs carried out under this part may include—

''(1) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of high-quality early learning services for Native Hawaiian children from the prenatal period through the age of kindergarten entry;

''(2) the operation of family-based education centers that provide such services as—

''(A) early care and education programs for Native Hawaiians; and

''(B) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

''(3) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through grade 3 and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in grades 5 and 6;

''(4) activities to meet the special needs of Native Hawaiian students with disabilities, including—

''(A) the identification of such students and their needs;

''(B) the provision of support services to the families of such students; and

''(C) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

''(5) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

''(A) educational, psychological, and developmental activities designed to assist in the educational progress of such students; and

''(B) activities that involve the parents of such students in a manner designed to assist in the educational progress of such students;

''(6) the development of academic and vocational curricula to address the needs of Native Hawaiian students, including curricula materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

''(7) professional development activities for educators, including—

''(A) 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;

''(B) in-service programs to improve the ability of teachers who teach in schools with high concentrations of Native Hawaiian students to meet the unique needs of such students; and

''(C) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

''(8) the operation of community-based learning centers that address the needs of Native Hawaiian students, parents, families, and communities through the coordination of public and private programs and services, including—

''(A) early education programs;

''(B) before, after, and Summer school programs, expanded learning time, or weekend academies;

''(C) career and technical education programs; and

''(D) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;

''(9) activities, including program co-location, that ensure Native Hawaiian students graduate college and career ready including—

''(A) family literacy services;

''(B) counseling, guidance, and support services for students; and

''(C) professional development activities designed to help educators improve the college and career readiness of Native Hawaiian students;

''(10) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

''(11) other research and evaluation activities related to programs carried out under this part; and

''(12) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

''(d) ADDITIONAL ACTIVITIES.—Notwithstanding any other provision of this part, funds made available to carry out this section as of the day before the date of enactment of the Student Success Act shall remain available until expended. The Secretary shall use such funds to support the following:

''(1) The repair and renovation of public schools that serve high concentrations of Native Hawaiian students.

''(2) The perpetuation of, and expansion of access to, Hawaiian culture and history through digital archives.

''(3) Informal education programs that connect traditional Hawaiian knowledge, science, astronomy, and the environment through State museums or learning centers.

''(4) Public charter schools serving high concentrations of Native Hawaiian students.

''(e) ADMINISTRATIVE COSTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of funds provided to a recipient of a grant or contract under this section for any fiscal year may be used for administrative purposes.

''(2) EXCEPTION.—The Secretary may waive the requirement of paragraph (1) for a nonprofit entity that receives funding under this section and allow not more than 10 percent of funds provided to such nonprofit entity under this section for any fiscal year to be used for administrative purposes.

''SEC. 6305. 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) DIRECT GRANT APPLICATIONS.—The Secretary shall provide a copy of all direct grant applications to the Education Council.

''(c) SUPPLEMENT NOT SUPPLANT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), funds made available under this part shall be used to supplement, and not supplant, any State or local funds used to achieve the purposes of this part.

''(2) EXCEPTION.—Paragraph (1) shall not apply to any nonprofit entity or Native Hawaiian community-based organization that receives a grant or other funds under this part.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this part $32,397,259 for each of fiscal years 2014 through 2019.

''(2) RESERVATION.—Of the funds appropriated under this subsection, the Secretary shall reserve, for each fiscal year after the date of enactment of the Student Success Act not less than $500,000 for the grant to the Education Council under section 6303.

''(3) AVAILABILITY.—Funds appropriated under this subsection shall remain available until expended.''.

The CHAIR. Pursuant to House Resolution 303, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this bill that has been proposed to us actually took one successful program out, the very successful Hawaiian Natives and Alaskan Natives program. It is destroying a program that works.

This is a different program than the other Indian areas have, but it should have been left in this bill. And as I talked with the chairman, why take out some successful program and try to take and change it when there's other problems with No Child Left Behind?

I'm asking my colleagues to vote for my amendment, which puts it back in. It restores title VI moneys, and it does retain a working program that we should leave. I say this because Alaska Natives and Hawaiian Natives are not under the BIE funding programs, and it would be impossible for them to receive the moneys under the grant program.

All I want to do is keep my Natives on a right plain, which they've been doing very well in actually improving their lives, being better educated, achieving their goals.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, while I understand and appreciate the gentleman's concerns—and we've talked about this at some length over the year—the amendment reduces funding for title I programs. That's aid to the disadvantaged, migrant students, neglected and delinquent students, rural education, and English language acquisition to pay for the restoration and expansion of the Alaska Native and Native Hawaiian programs. This reduces funding to States and school districts—about $64 million a year—that need title I funds to increase student academic achievement, especially with today's budgetary challenges.

The underlying bill upholds the Federal Government's trust responsibility to the Indian people. It reauthorizes and maintains a separate funding stream for the Indian education program as in current law and increases funding for Indian education over the FY13 level and over President Obama's FY14 budget. The manager's amendment adds Alaska Native organizations as eligible entities to the program as well.

Reluctantly, I urge my colleagues to oppose the amendment and support the Student Success Act, and I yield back the balance of my time.

Mr. YOUNG of Alaska. At this time, I yield 1 minute to Congresswoman HANABUSA.

Ms. HANABUSA. Mr. Chair, I thank the gentleman from Alaska.

Mr. Chair, this amendment, which I've introduced with my colleagues, ensures that all Native students are supported in their education efforts.

H.R. 5, as reported, eliminates and reduces title VII and combines them with the broad title I programs, which is inappropriate and unjust to the programs.

What this amendment does is it upholds the Federal trust responsibility to tribes and Native organizations by ensuring that Native Americans, Native Alaskans, and Native Hawaiians, who have been historically disadvantaged, are able to succeed.

This amendment also ensures flexibility among the States as to how these programs would be administered. And most importantly, the CBO has found that our amendment has no impact on direct spending and complies with the CutGo requirements.

The primary issue here is that Congress must ensure that we maintain this important precedent in law, a precedent in law that we do have trust responsibility to the Native children, and we must ensure that that continues.

That is why I encourage all my colleagues to vote in favor of this amendment.

Mr. YOUNG of Alaska. At this time, Mr. Chairman, I yield 1 minute to Congresswoman GABBARD.

Ms. GABBARD. Mr. Chairman, I'm rising to give my strong support for the amendment before us, and I would like to thank my colleague from Alaska (Mr. YOUNG) for his steadfast support and championing of the issues and concerns of Native communities throughout our country.

This amendment does a simple thing: it ensures that Native students across the country have access to support which meets the unique cultural and language needs of these communities. This support has been there now for decades, and it's important and crucial that we continue this. For my home State of Hawaii, the Native Hawaiian Education Program, which the amendment reauthorizes and which does not exist in the underlying measure, is a vital resource for our Native Hawaiian community.

Last district period when I was home over the Fourth of July, I had the opportunity to travel to a few different islands where I met with teachers, parents, students, and other stakeholders and learned firsthand about the many accomplishments of this program.

By passing this amendment, we're empowering and educating the next generation in communities that have largely been underserved and at the same time preserving rich and unique culture, language, and values of our Native people.

With that, I insert into the RECORD numerous letters of support that I've received from my constituents explaining in a very personal way the important success stories of the Native Hawaiian Education Programs over the years.

MID-CONTINENT RESEARCH FOR EDUCATION AND LEARNING PACIFIC CENTER FOR CHANGING THE ODDS,
Honolulu, HI, July 17, 2013.

Rep. TULSI GABBARD,
Ala Moana Blvd.,
Honolulu, HI.

Attention: Anthony Ching.

DEAR REPRESENTATIVE GABBARD, Thank you for being a supporter of the Native Hawaiian Education Act. This legislation is critical for the future and progress of Hawai'i's education system. Every year tens of thousands of Hawaiian students benefit from the academic programs funded by this policy. The Act is also a significant milestone in the relationship between the U.S. federal government and Native Hawaiians because it affirms the trust in that relationship and recognizes the rights of Native Hawaiians.

The ESEA reauthorization bill H.R. 5 the Student Success Act, put forward by Representative John Kline, seeks to eliminate the Native Hawaiian Education Act, which would end critical academic programs for Native Hawaiians. If passed, the Student Success Act would cut funding and potentially terminate many of the innovative programs promoting native culture and education in Hawai'i that have been valued for over twenty-five years.

As the ESEA reauthorization process continues, we urge you to consider the preservation of Native Hawaiian culture, traditions and values within the Student Success Act.

Thank you for championing Native Hawaiian education and for supporting Hawai'i's students who benefit from the Native Hawaiian Education Act.

Sincerely,

JANE R. BEST, PH.D.,
Chief Strategy Officer.

KAMEHAMEHA SCHOOLS,
Honolulu, HI, July 16, 2013.

To: Members of the United States Congress.
From: Kamehameha Schools, Office of the Chief Executive Officer.
Re Preserving the Native Hawaiian Education Act (NHEA) proposed amendments to H.R. 5.

My name is Dee Jay Mailer and I am the Chief Executive Officer of Kamehameha Schools. We are a private independent school whose mission is to improve the capability and wellbeing of Native Hawaiians through education. Thank you for this opportunity to express Kamehameha Schools' support of Congressman Young's and Congresswoman Gabbard's amendments to H.R. 5 that would preserve the Native Hawaiian Education Act.

There continues to exist significant educational disparities between Native Hawaiians and other ethnic groups within Hawai'i. Despite being the largest single ethnic group in Hawaii's public school system, achievement outcomes for Native Hawaiian youth are among the lowest in the state, trailing as much as 30 percentile points behind the highest performing groups. For many years, the Native Hawaiian Education Act and organizations in Hawai'i have supported and implemented culturally responsive education. In 2010, Kamehameha Schools along with the Hawai'i Department of Education, and Na Lei Na'auao undertook collaborative research study, which reported positive effects of culture-based educational strategies on student socio-emotional development and educational outcomes for Native Hawaiian and other learners. Culture-based education is the grounding of instruction and student learning in the values, norms, knowledge, beliefs, practices, and language that are the foundation of an indigenous culture. At the state, national, and international levels, culture-based educational strategies are increasingly being seen as a promising means of addressing educational disparities between indigenous students and their peers. Without continued support from the Native Hawaiian Education Act, educational disparities will continue to grow.

Kamehameha Schools supports promoting the achievement and success of Hawai'i's public school students and, as such, continues to support and promote culture based education. Thank you for the opportunity to express Kamehameha Schools' support for preserving the Native Hawaiian Education Act.

Sincerely,

DEE JAY MAILER,
Chief Executive Officer.

KEIKI O KA AINA
FAMILY LEARNING CENTERS,
July 15, 2013.

ALOHA, As a Native Hawaiian non-profit, Keiki O Ka Aina Family Learning Centers has been helping families statewide for eighteen years. With funding from NHEA, we help over 2000 families through home-visiting programs, (PAT and HIPPY), center-based preschools, family child interaction learning programs, programs for infants and toddlers with special needs, and supporting parents affected by incarceration.

The money given to Hawaiian non-profits through the rigorous competitive grants offered under NHEA help the entire community, Hawaiian and non-Hawaiian alike. The funding helps in the area in which our country is most needy, education.

Giving funds to the State in Race to the Top is nice, but putting funds in the hands of those who are providing the direct services is far more practical and achieves superior results. Research also shows that culture-based education is good education for indigenous populations and non-indigenous populations as well. Project-based, place-based, individualized instruction is just best practice, and it is Hawaiian education organizations, with support from NHEA, that is leading the charge in bringing about improvement in educational practice in the state. All NHEA recipients make details reports to NHEA on the efficacy of our programs, and they show positive impacts.

To eliminate this much needed funding stream will be extremely detrimental to the State who will have an additional burden and find itself unable to adequately serve its host population. United States Public Law 103–150 The ''Apology Resolution'' Passed by Congress and signed by President William J.

Clinton November 23, 1993 was a step forward, but to cut this funding would be an unconscionable step backward.

Sincerely,

MOMI AKANA,
Executive Director.

KANU O KA 'ĀINA
NEW CENTURY PUBLIC CHARTER SCHOOL,
Kamuela, HI, July 15, 2013.

Re letter of support for H.R. 2287, Native Hawaiian Education Act Reauthorization, and its inclusion in H.R. 5, The Student Success Act.

DEAR REPRESENTATIVE GABBARD: I am Taffi Wise, Business Manager of Kanu o ka 'Āina Public Charter School (KANU). We are a Hawaiian focused school in the rural community of Waimea on the Big Island of Hawai'i that serves 260 students, 65% of which are Title I recipients.

KANU strongly supports H.R. 2287 which calls for the reauthorization of the Native Hawaiian Education Act and its inclusion in H.R. 5, The Student Success Act (SSA) and advocates for the Native Hawaiian Education Act administered by the U.S. Department of Education. This grant program, first authorized in 1988, is known and recognized for its support of innovative education for and by Native Hawaiians.

With the change in the current law, the expanding of eligibility for grants to address the varying types of education programs offered to Native Hawaiian students will have the bill make changes to eligibility for NHEA, and, for example, allow grants to Native Hawaiian focused charter schools among other proposed and relevant changes.

We join with you in your floor statement, ''Education is by far the best investment we can make in our economy and in our future. We are empowering and educating the next generation in communities that have largely been underserved, at the same time preserving rich and unique culture, language, and values of our native people.''

KANU appreciates the opportunity to endorse and support H.R. 2287.

Mahalo nui loa,

TAFFI WISE.

KANU O KA 'ĀINA
LEARNING 'OHANA
July 15, 2013.

Re letter of support for H.R. 2287, Native Hawaiian Education Act Reauthorization, And its inclusion in H.R. 5, The Student Success Act.

DEAR REPRESENTATIVE GABBARD: I am Taffi Wise, Executive Director of Kanu o ka 'Āina Learning 'Ohana (KALO) a Hawaiian serving non-profit institution whose mission is serving and perpetuating sustainable Hawaiian communities through Education with Aloha.

KALO strongly supports H.R. 2287 which calls for the reauthorization of the Native Hawaiian Education Act and its inclusion in H.R. 5, The Student Success Act (SSA) and advocates for the Native Hawaiian Education Act administered by the U.S. Department of Education. This grant program, first authorized in 1988, is known and recognized for its support of innovative education for and by Native Hawaiians.

With the change in the current law, the expanding of eligibility for grants to address the varying types of education programs offered to Native Hawaiian students will have the bill make changes to eligibility for NHEA, and, for example, allow grants to Native Hawaiian focused charter schools among other proposed and relevant changes.

We join with you in your floor statement, ''Education is by far the best investment we can make in our economy and in our future. We are empowering and educating the next generation in communities that have largely been underserved, at the same time preserving rich and unique culture, language, and values of our native people.''

KALO appreciates the opportunity to endorse and support H.R. 2287.

Mahalo nui loa,

TAFFI WISE.

NĀ LEI NA'AUAO NATIVE HAWAIIAN
CHARTER SCHOOL ALLIANCE,
Kamuela, HI, July 15, 2013.

Re letter in support of H.R. 2287, Native Hawaiian Education Act Reauthorization, and its inclusion in H.R. 5, The Student Success Act.

DEAR REPRESENTATIVE GABBARD: My name is Ka'iulani Pahiō, and I am the Coordinator of the Nā Lei Na'auao—Native Hawaiian Charter School Alliance—which makes up twelve Hawaiian focused public charter schools throughout the State of Hawai'i.

Nā Lei Na'auao strongly supports H.R. 2287 which calls for the reauthorization of the Native Hawaiian Education Act and its inclusion in H.R. 5, The Student Success Act (SSA) and advocates for the Native Hawaiian Education Act administered by the U.S. Department of Education. This grant program, first authorized in 1988, is known and recognized for its support of innovative education for and by Native Hawaiians.

With the change in the current law, the expanding of eligibility for grants to address the varying types of education programs offered to Native Hawaiian students will have the bill address changes to eligibility for NHEA, and, for example, allow grants to Native Hawaiian focused public charter schools among other proposed and relevant changes.

Hawaiian focused public charter schools embrace culturally-driven educational strategies that link experiential learning with the teaching of Hawaiian language, culture and traditions, also in collaboration with teachers, parents, elders and its community. More than 4,000 students are now enrolled in culturally-based Hawaiian focused public charter schools, of which, over 90% are of Hawaiian ancestry.

As culturally-driven quality 21st century models of education, the mission of the Nā Lei Na'auao—Native Hawaiian Charter School Alliance, is to establish models of education throughout the Hawaiian Islands, which are community-designed and controlled—and reflect, respect and embrace Hawaiian cultural values, philosophies and ideologies.

We join with you in your floor statement, ''Education is by far the best investment we can make in our economy and in our future. We are empowering and educating the next generation in communities that have largely been underserved, at the same time preserving rich and unique culture, language, and values of our native people.''

Nā Lei Na'auao appreciates the opportunity to endorse and support H.R. 2287.

Mahalo,

KA 'IULANI PAHI'Ō.

NATIVE HAWAIIAN EDUCATION COUNCIL,
Honolulu, HI, July 12, 2013.

Hon. TULSI GABBARD,
House of Representatives, Cannon House Office Building, Washington, DC.

ALOHA CONGRESSWOMAN GABBARD, The Council was dismayed to hear that the House bill to reauthorize the Elementary and Secondary Education Act (ESEA), H.R. 5, is moving forward. A major flaw in the bill is the elimination of Title VII of ESEA. We believe that Title VII—the Indian, Native Hawaiian, and Alaska Native Education title—is unique and cannot be merged into Title I for two very important reasons:

1. It would breach the trust responsibility to native peoples. Title VII specifically funds programs for native children. Without this clear legislative distinction, states would have the discretion to use these funds for other purposes.

2. It would inhibit progress made by native communities and educators in developing and implementing programs that are linguistically and culturally aligned to the needs of our students. These culture- and place-based programs take into account clearly different values and approaches to learning.

Data shows that the programs funded by the Native Hawaiian Education Act (NHEA), Title VII, Part B, address unique characteristics of Native Hawaiian children. Native Hawaiian children have strong family values that they bring to their school settings, and a relationship to the land. For example, 70% of Native Hawaiian keiki report that many people at school were like family as opposed to only 52% for non-Native children, and 62% of Native Hawaiian keiki feel strong connections to the land versus 29% of non-Native children. The innovative and different approaches to education of these NHEA funded programs actually result in improvements. Graduation rates for Native Hawaiians have risen; however they still lag behind state totals.

Timely High School Graduation Rates

	2002 (%)	2006 (%)
Native Hawaiians	70	71
State Total	77	79

Source: Kamehameha Schools' Native Education Assessment Update 2009, Fig. 9.

Similarly math and reading scores have risen for Native Hawaiians, but still are not at parity with the rest of the state.

Percent Scoring Proficient or Above

	2007 (%)	2012 (%)
Native Hawaiian		
Math	27	49
Reading	41	62
State Totals		
Math	38	59
Reding	60	71

Source: Hawaii DOE Longitudinal Data System.

The Native Hawaiian Education Act (NHEA) allows for supplemental educational programs to address the unique culture, language, values, history, and traditions of Native Hawaiians, and therefore should be strongly supported as an important part of the reauthorization of ESEA.

We ask that you seek to amend H.R. 5 to include Title VII.

Me kealoha, purmehana,

WENDY ROYLO HEE,
Executive Director.

KAHO'IWAI—CENTER FOR
ADULT TEACHING AND LEARNING,
July 15, 2013.

DEAR REPRESENTATIVE GABBARD: We are Kaho'iwai—Center for Adult Teaching and Learning and our mission is to improve indigenous educational experiences in Hawai'i so that youth, adults and communities engage in deep and purposeful lives characterized by growth and creativity.

Kaho'iwai strongly supports H.R. 2287 which calls for the reauthorization of the Native Hawaiian Education Act and its inclusion in H.R. 5, The Student Success Act (SSA) and advocates for the Native Hawaiian Education Act administered by the U.S. Department of Education. This grant program, first authorized in 1988, is known and recognized for its support of innovative education for and by Native Hawaiians.

With the change in the current law, the expanding of eligibility for grants to address

the varying types of education programs offered to Native Hawaiian students will have the bill make changes to eligibility for NHEA, and, for example, allow grants to Native Hawaiian focused charter schools among other proposed and relevant changes.

We join with you in your floor statement, ''Education is by far the best investment we can make in our economy and in our future. We are empowering and educating the next generation in communities that have largely been underserved, at the same time preserving rich and unique culture, language, and values of our native people.''

Kaho'iwai appreciates the opportunity to endorse and support H.S. 2287.

Sincerely,

JOE FRASER,
Director.

TO CONGRESSWOMAN GABBARD: Thank you for allowing me an opportunity to submit comments on H.R. 5: The Student Success Act (SSA). Thank you for your hard work in drafting this bill. However, I strongly urge you to reinstate Title VII Part B, the Native Hawaiian Education Act (NHEA) which has been eliminated in the SSA.

I have the privilege of working on the Hawai'i Preschool Positive Engagement Project (HPPEP), which is funded by the NHEA, and I would like to share with you the work that we have done thus far and are currently aiming to complete within the next year with these essential funds:

HPPEP is the only program in Hawai'i bringing behavior management interventions to preschool-aged at-risk children and families, providing vital protective factors to the next generation of citizens who need them and can benefit from them most.

Students receiving HPPEP interventions have experienced statistically significant improvements in Academic Engaged Time scores, Behavior Ratings Scales, and Strengths and Difficulty Questionnaire scores. These gains provide at risk children with a considerably greater chance of succeeding in school and life.

This project has developed an innovative data management system that incorporates social work theory, complex measurement tools, and flexibility of replication that has the potential to benefit data management in educational and social service programs in Hawai'i and the nation.

We have provided Professional Development to over 230 teachers, staff, and community members with 17 presentations to bolster teacher education, competence, and effectiveness.

158 parents have received parenting and behavior management education, support, and literacy tools to further amplify the positive impacts of HPPEP's work in their homes and promote school and social success beyond preschool.

Over the next year, this project will be attempting to create sustainability within schools to allow our target populations to continue receiving beneficial interventions independently. Sustainability will allow the outcomes of our interventions to expand many times over, thus the funding from NHEA could be impacting educational success of Hawai'i's children for many years in the future.

With continued funding by the NHEA as planned, we will continue to work earnestly and efficiently toward our goals to benefit the educational outcomes of those with the greatest needs. Please consider that the federal government has an obligation to the American citizens in our state and that the NHEA allows for the types of creative and culturally responsive programs that will truly address the unique needs of our most vulnerable students. I truly hope you will hear the voices from your colleagues across the pacific and reinstate Title VII of the current ESEA.

Thank you for your consideration.

Sincerely,

CAMILLE ROCKETT,
LSW Award S362A11012; 2010–2014.

DOLORES DORÉ ECCLES CENTER
FOR EARLY CARE AND EDUCATION,
Logan, UT.

TO CONGRESSWOMAN GABBARD: Thank you for allowing us an opportunity to submit comments on H.R. 5: The Student Success Act (SSA), the bill reauthorizing the Elementary and Secondary Education Act (ESEA). We congratulate your committee on its hard work in drafting this bill. However, we strongly encourage you to reinstate important education programs that have been eliminated in SSA.

Title VII, Part B of ESEA is the Native Hawaiian Education Act and as a steward of a current USDOE Native Hawaiian Education Program grant, we ask that you please reinstate all parts of Title VII of the current ESEA. We encourage you to support efforts that not only fulfill the trust responsibilities of the Federal government to the indigenous people of the United States of America, but also to preserve programs that make a difference in improving the educational attainment of the most disadvantaged in order to advance the economic health and vitality of the community.

The Native Hawaiian Education program grant targets specific funds for some of the most vulnerable children with few other resources. Typically, only half of low-income children in Hawaii receive financial aid or subsidized services needed to participate in preschool programs (Good Beginnings Alliance, 2004). Native Hawaiians have unique strengths and needs that can be neglected or overlooked when they are grouped with the entire mainland for funding allocations. Parents and teachers are committed to helping their children prepare and succeed in school, but many lack the knowledge and resources to make this happen without additional supports. I have seen these supports put in place with the Hawai'i Preschool Positive Engagement Project, fully funded by monies from the NHEA. As part of this project, I have observed groups of 15–20 children with their parents (most with fathers involved) explore, listen, talk-story, and teach their children in outdoor settings supported by practitioners with the sole purpose for supporting families and improving academic and social outcomes for these high risk children. Data from this project are convincing in improving child outcomes. Parents are actively involved and engaged because the intervention was developed specifically with their needs and strengths in mind through the NHEA.

Please reinstate all parts of Title VII of the current ESEA

Thank you for your time

LISÁ BOYCE, PH.D.,
Executive Director.

Mr. YOUNG of Alaska. Mr. Chairman, at this time, I yield 1 minute to the gentleman from California (Mr. DENHAM).

Mr. DENHAM. Mr. Chairman, I appreciate Chairman KLINE and the committee's work on this important reauthorization.

Consolidating programs and replacing them with flexible grants is the right way to ensure that States and school districts are able to respond to the specific needs of their communities; however, the Federal Government has a unique and important trust obligation to the Native American population in this country.

This trust obligation means that support for Indian education programs should be handled separately from the traditional grant programs that support disadvantaged students. Only by maintaining a separate title can we ensure that there's a dedicated funding stream that meets the needs of Native children.

I thank Mr. YOUNG for offering this important and revenue-neutral amendment, and I urge my colleagues to support both the underlying legislation, as well as this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, how much time do I have remaining?

The CHAIR. The gentleman has 1 minute remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the balance of my time.

I urge the chairman to accept this amendment. This amendment takes no money away from anyone, other than the Natives themselves.

This program has worked. It has worked so well that I'm asking my colleagues to keep it in the existing bill that's coming before us. I'm not going to argue about Leave No Child Behind or the new bill, H.R. 5. But if a program is working and it's neutral, for God's sake let's leave it in there. Why take it out?

Everybody says, Well, they have a chance at it. Not when we don't have BIE funding in the State of Alaska. This is a neutral bill financially. It doesn't take away from any other programs.

I ask very respectfully for my colleagues to vote for this legislation to promote American Indian, Hawaiian Indian, and Alaska Native educational programs. It's the right thing to do, and let's do what's right today.

With that, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. KLINE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Alaska will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. CÁRDENAS

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 113–158.

Mr. CÁRDENAS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 22, strike ''2019.'' and insert ''2019, of which 775,000,000 for each of such fiscal years are authorized for subpart 4 of such part.''.

The CHAIR. Pursuant to House Resolution 303, the gentleman from California (Mr. CÁRDENAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CÁRDENAS. Mr. Chairman, my amendment increases authorized funding for English language learners from $750 million to $775 million until 2019.

Services to this growing, but completely underserved, population are important to me and families throughout my district and throughout this country; but it should be important for all of us.

Latinos as a percent of the labor force will grow to 34 percent in the next 10 years.

I want to share some numbers showing our neglect of these students.

Only 7 percent of the English language learners in the fourth grade and 3 percent of those in the eighth grade were at or above a proficient level of English in 2011; non-English language learners saw five times as many fourth graders and 11 times as many eighth graders at or above proficient levels in English.

All students should be able to reach those levels and greater.

Mr. Chairman, English language learners are the fastest growing segment of the public school population. The overwhelming majority are native-born U.S. citizens. Half are second- or third-generation Americans. Adequate educational services could prevent 25 percent of English language learners from dropping out, ensuring a fair shot at their participation in this economy of ours.

Instead, our system has failed these students. Second- and third-generation American citizens in our public schools are not proficient in English. This is absolutely unacceptable.

My amendment provides a funding stream specifically for services for English language learners, but the provisions in H.R. 5 do not ensure that these funds will be used to support these children.

H.R. 5 does not do what needs to be done to provide for these students. It strips the English language learner title and allows funds to be shared, allowing funds to be redirected from their intended population. Already, too many schools incorrectly use these funds. Opening the door to redirecting funds makes the problem even worse.

H.R. 5 strips achievement metrics for English language acquisition. If we can't measure whether something works or not, what is the point of funding it, ladies and gentlemen? Given our poor record of educating Americans, why is the Federal Government retreating from having these outcomes measured? These children can be doctors, lawyers, business owners, educators, and community leaders if we provide them with the proper education when they're youngsters. We must allow them to realize their potential by investing in them. That is why next week I'll be introducing my own bill on educating English language learners.

My colleagues on the other side of the aisle give much lip service to integrating Latino and immigrant families into American society; however, H.R. 5 would have been a great opportunity to show that they have meant what they said.

At this time, I yield as much time as she may consume to my friend from Illinois, Congresswoman DUCKWORTH.

□ 1600

Ms. DUCKWORTH. Mr. Chairman, I thank the gentleman from California for yielding, and also for your leadership on this important issue.

Earlier this year, at Harper College in Illinois, I held an education roundtable with school district administrators and parents on the importance of averting the sequester and reforming our education system.

Since then, I have heard continuously from educators and parents throughout my district on the importance of English language learner programs for our young men and women. As a child, English was not my first language, and I understand intimately the importance of programs that help children learn the language of our Nation. It makes them more competitive when they become adults and enter the workforce. It also makes our Nation more competitive to have truly bilingual members of the workforce.

That is why I support proper funding of the English Language Learner program, and I'm rising in opposition to this dangerous bill that, simply put, lets students down. H.R. 5 ignores the needs of this growing portion of our student population. It ignores them, along with poor children, migratory children, and neglected children.

This bill guts education funding, rolls back protections for disadvantaged students, and removes accountability provisions that we all know our students deserve. I want the children in my district to receive excellent education, and this partisan, extreme bill will fail to provide that.

Mr. CÁRDENAS. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR (Mr. POE of Texas). The gentleman from California has 1 minute remaining.

Mr. CÁRDENAS. Mr. Chairman, my amendment, while ruled in order, does not go as far as we should. In fact, Mr. MILLER's substitute provides even more of an opportunity for us to serve this important need. His bill would replace H.R. 5. Therefore, I ask my colleagues to support Mr. MILLER's substitute language, vote against the current language.

Mr. Chairman, I withdraw my amendment.

AMENDMENT NO. 4 OFFERED BY MR. LUETKEMEYER

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 113–158.

Mr. LUETKEMEYER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, after line 21, insert the following new section:

SEC. 7. SENSE OF THE CONGRESS.

(a) FINDINGS.—The Congress finds as follows:

(1) The Elementary and Secondary Education Act prohibits the Federal Government from mandating, directing, or controlling a State, local educational agency, or school's curriculum, program of instruction, or allocation of State and local resources, and from mandating a State or any subdivision thereof to spend any funds or incur any costs not paid for under such Act.

(2) The Elementary and Secondary Education Act prohibits the Federal Government from funding the development, pilot testing, field testing, implementation, administration, or distribution of any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(3) The Secretary of Education, through 3 separate initiatives, has created a system of waivers and grants that influence, incentivize, and coerce State educational agencies into implementing common national elementary and secondary standards and assessments endorsed by the Secretary.

(4) The Race to the Top Fund encouraged and incentivized States to adopt Common Core State Standards developed by the National Governor's Association Center for Best Practices and the Council of Chief State School Officers.

(5) The Race to the Top Assessment grants awarded to the Partnership for the Assessment of Readiness for College and Careers (PARCC) and SMARTER Balanced Assessment Consortium (SMARTER Balance) initiated the development of Common Core State Standards aligned assessments that will, in turn, inform and ultimately influence kindergarten through 12th-grade curriculum and instructional materials.

(6) The conditional Elementary and Secondary Education Act flexibility waiver authority employed by the Department of Education coerced States into accepting Common Core State Standards and aligned assessments.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that States and local educational agencies should maintain the rights and responsibilities of determining educational curriculum, programs of instruction, and assessments for elementary and secondary education.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Missouri (Mr. LUETKEMEYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. LUETKEMEYER. Mr. Chairman, I rise today in support of my amendment that expresses the sense of Congress that States and local education agencies should maintain the rights and responsibilities of determining curricula and assessments for their students. Local control is the foundation of American education, providing the diversity of thought and practices that has propelled our education system forward.

As many parents and teachers will tell you, the people closest to the child

are the ones best suited to deliver the highest quality education. No Washington bureaucrat, through top-down mandates or regulations, should determine what is best for each of our Nation's more than 100,000 schools and their nearly 50 million students.

Unfortunately, in recent years the Federal Government has vastly expanded its influence over local education decisions. Through efforts to push Common Core State Standards, the Department of Education has incentivized and pressured States into adopting common national standards and assessments favored by the Department.

Although initially billed as a simple framework, these standards and assessments will ultimately influence the curricula and instructional materials that are used in classrooms across the Nation. As Federal bureaucrats attach more strings to what the schools are able to do, they lessen the ability of parents, teachers, administrators, and school board members to determine the most appropriate ways to help students learn.

In addition to producing bad practices, this increased Federal influence over our classrooms threatens to run afoul of numerous Federal laws. The General Education Policy Act, the Department of Education Organization Act, and No Child Left Behind all include statutory language prohibiting the direction, control, and supervision of curricula and instructional materials by the Federal Government.

Every school is different; every classroom is different; every student is unique; and the quicker we recognize and understand this dynamic, the more able we will be to help our children succeed. Maintaining the right of States and local school boards to set curricula allows for competitive excellence and innovation in our education system. Respecting the historic role of local communities while adhering to high standards will produce the superior outcomes that we all desire.

It is imperative that we give States and local agencies the right to reclaim their education decisionmaking authority. When included in the underlying legislation, this amendment will help roll back the Department's role in Common Core by clearly reaffirming that teachers, parents, and local school districts should maintain the authority to determine what their children are taught.

I thank Chairman KLINE for his efforts and for including another way to address Common Core in the underlying bill. I urge my colleagues to support this amendment and support H.R. 5.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. Mr. Chairman, I yield myself 2 minutes.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I oppose this amendment, we oppose this amendment because we believe it is redundant and ideological. It truly is a solution in search of a problem.

Not one word of existing Federal law, and as I read it, not one word of the underlying bill, authorizes the Federal Department of Education to create curriculum, any sort of curriculum for States and for local school districts. As a matter of fact, I would offer the author of the amendment just this one thought, and I know he is proceeding with a good-faith intent to make sure that the day never comes when there is a national curriculum. I think in some ways this amendment is contrary to that goal because it implies that the amendment is necessary.

The amendment is unnecessary if, as is the case, there is no present authority for a national curriculum in Federal law, and there is no existing authority under the proposed bill for a national curriculum. Adding this may actually raise the ambiguity that there is something in existing Federal law or in the bill that would authorize a national curriculum.

So I think that this is simply a statement to try to solve a problem that does not exist in present law or in this bill, and I would respectfully urge a ''no'' vote on the amendment.

With that, Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding.

I am speaking on the previous amendment, the Young amendment. I ran out of time earlier.

As currently written, this bill does not provide a clear funding source for Indian education programs, which violates an important trust responsibility between the Federal Government and our sovereign Indian nations. We have a moral obligation as a society to provide quality education for all children, including Native American youth.

I believe it is a huge mistake to eliminate title VII, and if this amendment, the previous amendment, is not adopted in rollcall, I believe it will have a negative impact on Native American communities.

Mr. ANDREWS. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. POLIS), a real leader in education.

Mr. POLIS. Mr. Chairman, this Chamber, this body here at the Federal level, is simply the wrong venue, the wrong place, to be discussing this issue of Common Core Standards. If the gentleman and others are interested in making sure that their States or their districts don't adopt them, they need to run for State House, they need to run for Governor, they need to run for State board, State superintendent. This body here, the Federal Government, has absolutely nothing to do with Common Core Standards, nor should we have a role in trying to prevent States from working together, which symbolically this amendment does.

I think it's great that my State and a number of others have taken advantage of economy in scale to prepare good college and career-ready standards. I think it's terrific that States like Virginia and Minnesota, outside of the working group of Governors, have come up with their own core standards for college and career-ready that are different but also high standards.

There's different ways to get there. And again, if any folks in this Chamber feel passionately about that, they ought to run for a different office because it's not this body that decides on standards. I think it's the wrong reason to come here and try to force any particular standard down any State's throat.

Very clearly, I think it's great some States are working together. My State is among them. It is very important that we don't have a race to the bottom with regard to standards. One of the dangers of this underlying bill is that it encourages that. It encourages States to define mediocrity as success by lowering their standards and showing that all students are achieving when achievement means nothing and the very definition of the word is diluted.

So, yes, we, of course, have a Federal interest as a Nation in making sure that kids from Alaska, from Minnesota, from Texas, and from Colorado are ready for college or ready for career. And if some States want to work together to develop those standards that can save money, save time, be convenient for families to move between those States, if other States want to take it upon themselves to engage in that; but certainly what this amendment insinuates, that somehow States are being coerced to do a certain thing, is contrary to Secretary Duncan's testimony before our committee and contrary to fact. And anybody who disagrees, frankly, needs to run for a different office to advocate for or against a particular set of standards.

Mr. ANDREWS. It is my understanding that the majority side has yielded back its time, and we have how much time left?

The Acting CHAIR. The gentleman is correct; the majority has yielded back its time. The gentleman from New Jersey has 1 minute remaining.

Mr. ANDREWS. Mr. Chairman, I yield myself the balance of my time in closing.

The problem with the underlying bill is not that it tries to impose a national curriculum. The problem is that we believe it ignores a national interest. The national interest is in articulating high standards for every student in our country, and then leaving to the creative energies of local educators and

families the best way to reach those high standards.

The failure of the underlying bill to reach that objective is the reason that business groups such as the Chamber of Commerce, education groups, civil rights groups, and disabled advocates have united in an unusual coalition, frankly, to oppose the underlying legislation. We think that the underlying bill is flawed. We think that this amendment flaws that flaw and respectfully would ask for a ''no'' vote on the offered amendment and the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. LUETKEMEYER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 113–158.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 16, line 6, strike ''low-performing schools'' and insert ''neglected, delinquent, migrant students, English learners, at-risk students, and Native Americans, to increase academic achievement of such students''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, I thank the Chairman very much. I am reminded in my amendment of the high calling of Chairman MILLER and President Bush some many years ago with the name Leave No Child Behind.

My amendment could be called ''Throw No Child Away'' or ''No Child is a Throwaway,'' for that is the necessity of where we are today with the underlying bill. We must restore and help those children who are considered throughout America as at-risk children.

Research shows that a disproportionate number of schools with predominantly low-income African American and Hispanic students have low housing stability and that such students are more likely than others to switch schools in the middle of the year. High student mobility has consequences for students, teachers, and schools, and could result in lower achievement levels, slower academic pacing, and lower teaching satisfaction.

My amendment expands that concept; and it indicates that States with insufficient funding should find a way to target funds for schools serving neglected, delinquent, migrant students, English learners, at-risk students, and Native Americans to increase academic achievement of such students, all with the idea that there are no throwaway children.

Children and education are one and the same. That is the work of children. When children are at work and are fully educated—and when I say that, at their work, a combination of education and play—what you create is a greater America.

Poor families, for example, move 50–100 percent more often than nonpoor families. Migrant children typically move from community to community. Foster children often change schools each time they're removed from a home. Right now, as I speak, we in Houston are trying to establish one of those homes for aged-out children who are still in high school who've aged out of foster care.

□ 1615

Those children typically are at risk. We can't shortchange them, as the underlying legislation does.

Student mobility has consequences with students and teachers and, therefore, we need to help build higher achievement levels because there is a possibility of lower achievement levels, lower academic pacing, and lower teacher satisfaction.

Take the school district that I represent, HISD, 200,000 students, 80 percent of which are eligible for free and reduced-price lunch. Children can not learn if they are hungry.

HISD has a diverse population. But, 100 of the largest districts represent less than 1 percent of all school districts in the Nation. Yet it enrolls 21 percent of all students, including 25 percent of census poverty students, 33 percent of Black students, 32 percent of Hispanic, and 31 percent of all minority students.

But the real point is that, in addition to these large school districts, this amendment respects the rural communities of America and deals with at-risk children in those areas, and deals with migrant students in those areas, and indicates that a State should not shortchange those individuals if their grant money is, in fact, shortchanged. Don't shortchange the children. Again, there are no throwaways.

So I think my amendment balances great needs in the underlying legislation by saying to my colleagues that the understanding of education is that it should be equal to all. And the quality should be equal to all, and therefore, whether you are a student that moves frequently, or a migrant student, or an English-learner student, you should not be denied an excellent education.

I reserve the balance of my time.

Mr. ROKITA. Mr. Chairman, I rise to claim time in opposition, but I do not intend to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. Mr. Chair, as one of the authors of the underlying legislation, I'll be the first to admit that going through the progress that we have laid out in this House has the potential to only make the legislation better.

In that vein, this amendment, as I understand the gentlelady to propose it, supports the tutoring and public school choice options in the Direct Student Services program. Tutoring services and public school choice are key programs to ensure students have the opportunity to access critical educational help or to find a school that better fits their needs.

We know, through study after study, through letter after letter, through parent interview after parent interview, that students who have access to tutoring services do better in school, those who are in a school that fits their learning style better.

This is a minor amendment to the important program that I think already exists in the underlying law, and it says that if there is not enough funding in the State to support all of the applications for direct student services, that it should prioritize the vulnerable populations, rather than look at supporting the lowest-performing schools. So, either way, the important thing is to help students have access to high-quality tutoring and school choice.

For that reason, I reserve the balance of my time.

Ms. JACKSON LEE. I thank the gentleman for his expression on this particular amendment. Let me frame it, as I close, thanking my colleagues and expressing my commitment to the concept that no child should be thrown away.

With formulas changing, block grants being promoted, the idea of a State being shortchanged in its awards means that there needs to be focus and refocus, and that is, from my perspective, to look at those children, whether they're rural or urban communities that need to be educated who could be considered neglected, delinquent, migrant students, English-learners, at-risk students, Native American youth, and to determine again, to find a way to focus those dollars in a way that will lift, in essence, all educational boats.

Sometimes that will be an enormous challenge, as this formula has evidenced. And I would like to see that no matter what happens in the underlying bill, that we have these children protected, many of whom are in the school districts that I represent, including formerly the North Forest Independent School District, that could have benefited from those resources, having given to them a number of rural school

districts in Texas that could have benefited from targeted dollars, to be able to keep them as existing viable school districts, teaching their children, not closed school districts.

So I hope that as we proceed that the message that comes, ultimately, from Members of Congress is that we promote education first, and the children at risk will never be lost in the debate, but we'll always support them.

I ask my colleagues to support the Jackson Lee amendment.

I yield back the balance of my time.

Mr. ROKITA. I'd ask the Chair how much time I have remaining.

The Acting CHAIR. The gentleman from Indiana has 3½ minutes remaining.

Mr. ROKITA. In closing, I'd like to urge my colleagues, as well, to support this amendment and the Student Success Act in its entirety.

And in response to the debate we've seen here on the floor this afternoon, Mr. Chairman, so far, I'd like to say that there are many organizations in support of the Student Success Act, including the American Association of School Administrators, the National School Boards Association, the Council of Chief State School Officers, the Council for American Private Education, the Association of Christian Schools International, Concerned Women for America, National Association of Independent Schools, National Alliance for Public Charter Schools, and many more.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. BENTIVOLIO

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 113–158.

Mr. BENTIVOLIO. Mr. Chairman, I rise to introduce my amendment to H.R. 5.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 20, line 21, strike ''and parents'' and insert ''parents, private sector employers, and entrepreneurs''.

Page 39, line 10, strike ''and local educational agencies'' and insert ''local educational agencies, and private sector employers (including representatives of entrepreneurial ventures)''.

Page 39, line 15, strike ''75 percent'' and insert ''65 percent''.

Page 39, line 16, insert ''and 10 percent are representatives of private sector employers'' before the period at the end.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Michigan (Mr. BENTIVOLIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. BENTIVOLIO. Mr. Chairman, I have taught in both private and public schools. My children graduated from both private and public schools. I am certified as both a vocational and general education teacher, and I also have a master's degree in education.

Our students deserve not just a quality education but an education that prepares them for the jobs of tomorrow, instilling them with passion, confidence and skills needed to be successful in the 21st century's global economy.

In my State, we have some of the best schools and universities. But what I hear from our employers is that our students don't have the skills necessary to fill many of the jobs they are offering. This is especially true for companies in the STEM and manufacturing sectors.

This amendment brings employers, entrepreneurs, teachers and parents together to ensure that academic standards adequately prepare students to obtain employment, enter college, or start their own business after graduating from high school, regardless of their circumstances in life.

As a former teacher, I know, firsthand, how poor circumstances can negatively impact a child's ability to learn. Broken homes, poverty and mental health concerns are things that put children in a challenging position. Having a disadvantage, however, does not mean that they do not have the potential to live a successful and happy lives. Just ask any educator.

Teachers see talent and potential in all of their students. Children need someone to tell them they are capable and talented. They also need to know what opportunities exist and what skills they need to obtain those jobs. Too often we simply assume that they know.

By allowing employers to be part of the conversation in education, we can help broaden the economic horizons for all of our students. That should be the purpose of our education system.

There are many paths to success in the United States. That is what makes our country so special and so unique. We need to ensure our schools are not just producing workers, but also developing job creators and small business owners. We need the leaders of today to pass on their knowledge for tomorrow.

Regardless of what side of the aisle they sit on, I think most of my fellow Members of Congress believe that our students need to be prepared for jobs. If we want our education system to focus on college and career-readiness, including creating jobs, then we need to have the private sector at the discussion table. This amendment does just that. I ask for your support.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, and Members of the House, I oppose this amendment offered by the gentleman from Michigan because I think this amendment continues the ideological approach here that we have in taking away Federal dollars under H.R. 5 from the poorest schools in our systems, serving some of the poorest children in our country, at a time when this legislation locks in the post-sequestration funding for the schools now, as H.R. 5 does, and mandates that those scarce dollars go to the private sector. Now we're mandating that those schools now get involved with the private sector.

I don't know, maybe it's different in your States. But in my State, when local school districts put together their budgets, when local school districts consider engaging in developing new programs and new curriculums, they invite the community to come in and participate in those discussions across the board. Nobody has to mandate them to do that. They do that because those are community schools. Those are trying to serve the community.

Whether it's at the elementary level, or at the high school level or at the community college level, this is what they do in developing those curriculums and developing those assessments that are taking place. And so I don't understand.

In a bill that rails against Federal mandates, we're now on to our second mandate under this legislation. Why are we creating these mandates for these local districts that know better, that know how to do it best, according to all of the statements here?

Why are we then mandating from the Federal Government to do it this particular way?

In my community I would say they already do it this way, but I don't think they need to be mandated to do that. And for these reasons, I oppose this amendment because I think it continues the ideological bent that somehow, while mandates are bad for schools when they come from the Federal Government, apparently, when they come from the Congress they're good.

So we'll try to sort this out in the meantime. But in the meantime I'll oppose this amendment.

I reserve the balance of my time.

Mr. BENTIVOLIO. Mr. Chairman, sadly, too much of our Federal education policy is based on where children are, instead of where we want them to be. We need our children, but especially those we label as disadvantaged, to know that they can be anything they set their mind to.

When we continue to tell children they are victims instead of empowering them to seize the talents God has blessed them with, we, as a Congress and as a society fail.

Many of my colleagues believe it takes a village to raise a child. Well, entrepreneurs, small business owners and employers are part of that community. It is the business owner who hires, the entrepreneur who creates opportunity. This is exactly why they

should be involved in the education policy.

It is time we stop merely labeling children as disadvantaged and, instead, let's empower our States and teachers to implement the potential they see every day in the classroom by working with representatives from the private sector and the entrepreneurs.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. BENTIVOLIO).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MRS. MCMORRIS RODGERS

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 113–158.

Mrs. MCMORRIS RODGERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, line 14, insert ''in each subject being assessed'' after ''student''.

Page 22, line 15, insert, ''alternate academic achievement'' before ''standards''.

Page 22, line 17, strike ''standards'' and insert ''content standards for the grade in which the student is enrolled''.

Page 22, line 19, strike ''promote'' and insert ''provide''.

Page 22, line 20, strike ''and''.

Page 22, line 23, strike the period and insert a semicolon.

Page 22, after line 23, insert the following:

''(IV) are vertically aligned;

''(V) reflect concepts and skills that students should know and understand for each grade and the enduring understandings of the content being tested (such as concepts and skills that identify core concepts, principles, theories, and processes, serve to organize important facts, skills, or actions around central ideas, and are transferable to other contexts or other disciplines); and

''(VI) are supported by evidence-based learning progressions to age and grade-level performance.''.

Page 28, beginning on line 20, strike ''aligned with'' and insert ''based on''.

Page 28, line 21, strike ''standards'' and insert ''achievement standards''.

Page 29, line 11, strike ''are informed'' and insert '', as part of the individualized education program team for such students, are involved in the decision''.

Page 29, line 14, strike ''standards'' and insert ''academic achievement standards''.

Page 29, line 16, strike ''precludes'' and insert ''may preclude''.

Page 29, line 20, strike ''demonstrates'' and insert ''provides evidence''.

Page 29, line 21, strike '', to the extent practicable,''.

Page 29, after line 24, insert the following:

''(iv) certifies that the State's requirements for academic assessments under this paragraph and subparagraphs (A) and (B) are universally designed to be accessible to students, including students with sensory, physical, and intellectual disabilities;''.

Page 30, line 1, strike ''(iv)'' and insert ''(v)''.

Page 30, line 2, insert ''make available,'' after ''about,''.

Page 30, line 2, strike ''appropriate'' and insert ''reasonable adaptations and appropriate''.

Page 30, line 4, strike ''disabilities'' and insert ''the most significant cognitive disabilities''.

Page 30, line 4, strike ''who'' and insert ''participating in grade-level academic instruction and takes steps to ensure the use of appropriate accommodations to increase the number of students with the most significant cognitive disabilities who''.

Page 30, beginning on line 6, strike ''for the grade in which a student is enrolled''.

Page 30, line 7, strike ''and''.

Page 30, line 8, strike ''(v)'' and insert ''(vi)''.

Page 30, line 11, strike ''assessments'' and insert ''assessments based on alternate academic achievement standards adopted in accordance with paragraph (1)(D)''.

Page 30, line 13, strike the period and insert a semicolon.

Page 30, after line 13, insert the following:

''(vii) requires separate determinations about whether a student should be assessed using an alternate assessment for each subject assessed;

''(viii) ensures that, if a student's individualized education program includes goals for a subject assessed based on alternate academic achievement standards, such goals are based on academic content standards for the grade in which the student is enrolled; and

''(ix) ensures that students assessed on alternate academic standards are not precluded from the opportunity to earn a secondary school diploma.''.

Page 34, after line 23, insert the following:

''(C) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—When measuring the academic achievement of students against the State's academic content standards under subparagraph (B)(I) or, if applicable, measuring adequate student growth against such standards under such subparagraph, States and local educational agencies may include, for all schools in the State or local educational agency, the performance of the State's or local educational agency's students with the most significant cognitive disabilities on alternate assessments described in subsection (b)(2)©) in the subjects included in the State's accountability system, if the total number of the students taking such alternate assessments based on alternate academic achievement standards in all grades assessed and for each subject in the accountability system does not exceed 1 percent of all students at the State and local educational agency levels, separately, in the grades assessed in each subject.''.

Page 34, line 24, strike ''(C)'' and insert ''(D)''.

Page 35, line 5, strike ''(D)'' and insert ''(E)''.

Page 429, line 11, strike ''SIGNIFICANT'' and insert ''THE MOST SIGNIFICANT''.

Page 429, line 13, strike ''aligned to'' and insert ''based on''.

Page 429, lines 17 through 21, strike ''diploma'' and all that follows through ''Education Act'' and insert the following: ''diploma aligned with the State's academic content standards, which has been developed by a team of experts including organizations representing such students and their families''.

Page 429, line 23, insert after ''Act'' the following '', except that not more than 1 percent of students served by a State or a local educational agency, as appropriate, shall be counted as graduates with a regular high school diploma under this subparagraph''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Washington.

□ 1630

Mrs. MCMORRIS RODGERS. Mr. Chairman, no one in this Chamber would argue the fact that a strong education system is important to keeping our Nation competitive and a leader in the 21st century and beyond. And no one in this Chamber will argue that a strong, quality education for our children is foundational for their growth, their development, and their success for whatever path they choose.

Yet for a segment of the student population, access to a quality education can sometimes be a struggle. I appreciate Chairman KLINE's leadership as chair of the Education Committee. There are things about this legislation that are positive. The bill maintains requirements that States test all students in reading, math, and science, and report that data, disaggregated by subgroup, so we can begin the process of providing transparency on student performance. I also thank the chairman for working with me to include language in the manager's amendment around universal design for learning to improve the accessibility of assessments.

But I remain concerned that the protections in this bill for students with disabilities are inadequate. I know firsthand the positive impact of including students with special needs into the general curriculum. Further, I know that having access to the right assessments and curriculum drives student progress and achievement. My son, Cole, is a thriving 6-year-old who's learning at grade level. And, yes, he has an extra 21st chromosome, commonly known as Down syndrome.

I am concerned, though, that Cole and other children like him could see access to general curriculum diminished by this bill. The Student Success Act removes a cap that currently exists that limits the percentage of students to whom schools can administer an alternate assessment aligned to alternate standards. My amendment would restore it. Without this cap, I believe schools will abuse their authority and students will suffer. I believe we can return greater flexibility to the States and still maintain key protections for students like Cole. Flexibility for States is not mutually exclusive of accountability.

At this point I yield to the gentleman from Mississippi (Mr. HARPER).

Mr. HARPER. Mr. Chairman, I rise in support of the amendment by the gentlewoman from Washington. Like her, I am the parent of a child with special needs. My 24-year-old son Livingston has Fragile X syndrome, and we know personally the amazing progress we've made within our current educational system to help push our kids into mainstream America. I commend the gentlewoman from her leadership in making this point.

We cannot give kids with developmental disabilities the tools they need to become employed and less dependent on government services without the

most appropriate education possible. And we cannot provide an appropriate education to developmentally disabled children based upon antiquated assumptions of what our kids cannot do. We have to push our special kids and the schools if they are to have a chance to meet their full potential.

There's a lot of good in this bill, and I commend and thank Chairman KLINE for his efforts. I will vote for it. But I do so only because I'm confident that our concerns for special needs children will be addressed in conference.

Mrs. MCMORRIS RODGERS. For these reasons, I'd like to ask the chairman of the committee to work with me, Mr. HARPER, and others who have expressed concerns as this process moves forward.

To that end, would the chairman engage in a colloquy with me concerning the importance of supporting students with disabilities?

Mr. KLINE. I would be happy to do so.

Mrs. MCMORRIS RODGERS. Mr. Chairman, as I said before, there are things about this bill that are positive, and I thank you for your thoughtful approach to this reauthorization. However, I'm very concerned about what I believe to be a lack of sufficient protections for students with disabilities. These students are often our most vulnerable; and as we work to reform our education laws, we should maintain the strong supports these students need to thrive.

Chairman KLINE, would you be willing to work with me and other Members with similar concerns as the reauthorization process continues to ensure that all students, including students with disabilities, have access to a high-quality education?

I yield to the gentleman from Minnesota.

Mr. KLINE. I thank the gentlewoman for yielding. Let me thank my colleague from Washington for her leadership on this important issue and for her remarks today. I understand the passion and knowledge she brings to this topic.

Throughout this reauthorization process, we have sought to recalibrate the Federal role in education, undoing the excesses of the past while maintaining provisions of the law that ensure parents and communities have the information they need to evaluate their schools' and students' performance. As the gentlewoman acknowledged, we do maintain requirements for disaggregated achievement data so special needs students' achievement won't be masked by high averages among all students.

On the topic of the gentlewoman's amendment, we do maintain current requirements that narrowly define the population of students eligible to take an alternate assessment. I believe these are important provisions that will limit the possibility of abuse by schools. That said, I share my colleague's desire to see all students, including those with special needs, succeed in school and beyond. And I'm happy to work with her and other Members on this issue as the reauthorization process continues.

Mrs. MCMORRIS RODGERS. I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I rise to claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. I thank the gentlewoman for introducing this amendment. I strongly support this amendment for all of the reasons that she laid out in her remarks in support of her amendment.

I believe that, in its current form, H.R. 5 would undo decades of progress and relegate students with disabilities to a second-class education. That's why the disabilities community stands united in firm opposition to this bill. It astounds me that this body is considering enactment of such draconian policies. I thought that by 2013 bipartisan consensus on natural ability and potential of all children would be commonplace, but I was wrong.

One of the biggest victories we had under No Child Left Behind was the attention to students with disabilities, with the assumption that this population of students can and will achieve. Students with disabilities have thrived under these high expectations. H.R. 5 returns us to the era of soft bigotry and of low expectations with respect to students with disabilities, and that is unacceptable.

This Republican bill completely removes students with disabilities from the accountability system, greenlighting States and districts to assess any student with disabilities to a lower standard by allowing States to develop and assess students based upon a lower set of standards regardless of the severity of the disability. This would return us to a time when students with disabilities are hidden and not given access to quality education. That was the situation when I came to this Congress.

I'm no prouder of any act that I've ever authored than the Children With Handicaps Act, now known as IDEA, the Individuals with Disabilities Education Act. We cannot undermine that legislation and the progress and achievements that those children and their families have made and to see their successes. And now to suggest they will not be in an accountability system so that we hold schools accountable for the achievement and the successes of those children is just unacceptable.

I strongly support the McMorris Rodgers amendment, and I yield such time as he may consume to the gentleman from Colorado.

Mr. POLIS. I thank the ranking member for his time and his staunch advocacy on this. I express my appreciation to Mrs. MCMORRIS RODGERS, as well, for bringing forth this important amendment.

Mr. Chairman, this underlying bill has an accountability hole so huge an entire school bus of children will fall through it.

In many school districts, 12 to 15 percent of kids have some kind of IEP or are receiving some special ed services. Essentially, absent this amendment, there's no accountability assured for those kids. In fact, a disproportionate share of the Federal investment is for kids with IDEA. We've never met the 40 percent promise that we've made. IDEA and, of course, free and reduced lunch are two of our larger funding streams. If anything, we as custodians for the taxpayers should be interested in more accountability, not less accountability, for students with learning disabilities, not to mention the moral dimension and the surety that families across our country want that the learning needs of all children will be met.

Absent this amendment, the underlying bill has a perverse incentive for school districts to do what they used to do for years before the current law was implemented and that is sweep problems under the rug, define success down, and effectively allow schools to have some students that they don't have to account for success for in any way.

This amendment is absolutely critical to restore meaning to an accountability system that otherwise allows for gamesmanship and exclusion of the families that need it the most.

Mr. GEORGE MILLER of California. Mr. Chair, I yield the remaining time to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS), and thank her again for this amendment.

Mrs. MCMORRIS RODGERS. I thank the gentleman for yielding.

I'd like to enter into the RECORD letters from the disability community regarding this amendment.

CONSORTIUM FOR CITIZENS WITH DISABILITIES,
Washington, DC, July 17, 2013.

DEAR REPRESENTATIVE: We write on behalf of the Education Task Force of the Consortium for Citizens with Disabilities (CCD) to urge you to oppose the Student Success Act (H.R. 5) in its current form. While we have many concerns with the bill, we are writing today with regard to five fundamental issues that seriously undermine the progress and academic achievement of students with disabilities. They are: The elimination of more than 70 programs, The lack of subgroup accountability, The creation of and lifting of the cap on the Alternate Assessment on Alternate Achievement Standards (AA–AAS), The rollback on teacher quality, School safety.

ELIMINATION OF EDUCATION PROGRAMS

CCD shares the goal of eliminating barriers that hinder schools from meeting their obligations to all students, including students with disabilities, but CCD believes the elimination of over 70 programs, and replacing the programs with the Local Academic Flexible Grant will not improve educational outcomes for all students. CCD has a long standing policy of opposing any policy change

that takes away resources from one federal education program and redirects those resources to another program. We believe that students with disabilities are general education students first and that any action that would redirect limited education funding away from its intended purpose will ultimately do a disservice to all students in general education.

SUBGROUP ACCOUNTABILITY

As you know, students with disabilities have made considerable gains because of the current focus of the ESEA on all schools and all subgroups. These improvements have come in participation rates, academic achievement on grade level reading and math assessments and more generally in having increased access to the general curriculum and higher expectations for student achievement. CCD believes these gains are due largely to the requirement that the participation and proficiency of all subgroups be measured, reported, and used for the planning of interventions needed for improvement.

Students with disabilities may be most at risk if revisions to the law do not ensure all schools are accountable for student achievement at the subgroup level and receive extra resources and attention when they fail to produce progress. While the reauthorization of ESEA should explore ways to grant appropriate flexibility to ensure schools can best meet local needs and design instructional needs and interventions at the local level, this flexibility should not eliminate the current focus of ESEA's accountability framework on all schools and all subgroups or eliminate targeted help to schools that need it. To do so ignores the real challenge facing our education systems—that too many schools are not providing an educational experience that enables all students with disabilities to make academic gains. Furthermore, we still believe that states and school districts must intervene in all schools in which subgroups of students, including students with disabilities, are not meeting state standards.

ELIMINATION OF THE CAP ON ALTERNATE ASSESSMENT ON ALTERNATE ACHIEVEMENT STANDARDS

The Student Success Act would radically reduce high expectations for all students with disabilities. The bill would allow states to develop alternate academic achievement standards and eliminate the current cap (often referred to as the 1% regulation) which restricts, for accountability purposes, the use of the scores on less challenging assessments being given to students with disabilities. Such assessments are intended for only a small number of students with the most significant cognitive disabilities. The incidence of students with the most significant cognitive disabilities is known to be far less than 1%. To ignore this data by raising or eliminating the cap would violate the rights of students who do not have the most significant cognitive disabilities and who should not be assessed on alternate academic achievement standards.

As data and student/family experience show, the decision to place a student in the alternate assessment on alternate achievement standards can limit or impede access to the general curriculum and take students off track for a regular diploma as early as elementary school. These limitations raise concerns for many students who are currently placed in these assessments. The problem would grow if the cap were eliminated. The alternate assessments were not designed or intended to be applied to a broader population of students. Rather than continuing to support students with disabilities in achieving a high school diploma and pursuing employment and postsecondary education, the lack of a cap on the use of the assessment encourages schools to expect less from students with disabilities. This will jeopardize their true potential to learn and achieve.

TEACHER QUALITY

The Student Success Act also eliminates all baseline preparation standards for teachers, instead focusing solely on measuring teacher effectiveness once teachers are already in the classroom. We believe it is a grave mistake to eliminate requirements that all teachers should be fully certified by their state and have demonstrated competency in their subject matter. All students deserve teachers who are fully-prepared on their first day in the classroom and who prove themselves effective once there.

Additionally, the Student Success Act lacks any significant equity protections, particularly with respect to ensuring equal access to fully-prepared and effective teachers for our nation's most vulnerable students. The bill eliminates the current requirement that low-income and minority students not be disproportionately taught by teachers who are unqualified, inexperienced, or teaching out of field. More generally, by failing to address comparability requirements, the bill fails to ensure that resources—including fully-prepared and effective teachers—are equitably distributed within school districts.

Finally, the bill represents a significant step backwards in the area of transparency, particularly with respect to providing parents with information about their child's teachers. Where current law requires districts to inform parents when their child was taught for four or more weeks by a teacher who lacked full certification and/or subject matter competency, your proposal eliminates this required disclosure. In so doing, it eliminates parents' access to information that is critical to allowing them to hold their schools accountable for providing students with the resources they need to learn.

SCHOOL SAFETY

CCD believes that ESEA must require evidence-based, positive and preventative strategies to promote a positive school culture and climate and keep all students, including students with the most complex and intensive behavioral needs, and school personnel safe. The Student Success Act contains no provisions to ensure that students are free from physical or mental abuse or aversive behavioral interventions that compromise health and safety. The use of restraint and seclusion must only be used in emergencies threatening physical safety and never a substitute for appropriate educational or behavioral support.

We urge you to revise your bill to unequivocally support high achievement for all students, especially students with disabilities.

Sincerely,

LAURA KALOI,
CINDY SMITH,
KATY BEH NEAS.

COLLABORATION TO PROMOTE SELF-DETERMINATION

Hon. JOHN BOEHNER,
Speaker of the House, The Capitol, Washington, DC.

Hon. JOHN KLINE,
Chairman, Education & the Workforce Committee, Washington, DC.

Hon. TODD ROKITA,
Chairman, Subcommittee on Early Childhood, Elementary, and Secondary Education, Washington, DC.

DEAR SPEAKER BOEHNER, CHAIRMAN KLINE AND CHAIRMAN ROKITA: As national partners of the Collaboration to Promote Self-Determination (CPSD), we would like to take this opportunity to express our grave concerns with your proposed reauthorization of the Elementary and Secondary Education Act (ESEA), entitled Student Success Act (H.R. 5), scheduled for markup on June 19th. We cannot support this current proposal and respectfully request that Congress not move forward in considering it until more efforts are made to ensure equitable access to education for all students and stronger accountability measures for states and local education agencies (LEAs) that are inclusive of all students, including students with the most significant cognitive disabilities.

We share Chariman Rokita's view that a quality education is the backbone of our nation and that without a quality education neither democracy nor our economy can survive. Representative Polis's conviction that ''all students should have access to high-quality schools where children can learn, grow, and develop skills that will help them succeed in college and the workforce'' supports our belief that all students with disabilities, including individuals with intellectual and developmental disabilities, must access the grade-level general education curriculum, attain the college and career ready academic standards set forth by states, and participate in fully inclusive educational settings. We applaud Representative Petri's efforts to speed specialized textbooks and other learning materials to sight-impaired children; the current language of the Student Success Act, however, neither supports nor recognizes these efforts. We believe a quality education in the 21st century must be inclusive; diverse in student body, curriculum, and teaching; and accessible to all of our nation's children. The system that has evolved under No Child Left Behind (NCLB) is, indeed, in need of reform; however that reform must sustain the spirit of NCLB: to close the achievement gap so that no child is left behind. We are encouraged that Chairman Kline remains open to working with members on both sides of the aisle through the legislative process; in that spirit, we present the following serious concerns with the current legislation for your careful consideration.

LACK OF ACCOUNTABILITY

The Student Success Act eliminates nearly all federal requirements that were included in NCLB to ensure that states set high academic performance goals for all students, work to close achievement gaps, and help to improve struggling schools. We cannot meet these high expectations for our children and for our nation without holding those managing the funds accountable for producing results.

ELIMINATION OF MAINTENANCE OF EFFORT (MOE)

The Student Success Act eliminates the longstanding ESEA Maintenance of Effort (MOE) requirement that, federal dollars are to be used to supplement state and local activities, not to supplant state and district funding. The district must assume primary fiscal responsibility for its efforts to provide a free public education to all students with supplemental assistance from the federal government. The MOE requirement is in place to ensure that there is adequate funding to meet student needs. We have strong concerns that if MOE is eliminated from ESEA, (1) student needs will no longer be reliably met, and (2) there will be an effort to eliminate MOE from IDEA in its next reauthorization.

HIGHLY QUALIFIED TEACHERS PROVISIONS

The Student Success Act eliminates requirements that teachers meet highly qualified teacher requirements that are currently in NCLB. These requirements determine whether teachers have the necessary credentials and core content knowledge to teach

our nation's students. In addition, these requirements also determine whether regular and special education teachers and other appropriate staff enlisted to administer statewide assessments are trained in how to administer these assessments and in how to make appropriate use of reasonable adaptations and valid and reliable accommodations for such assessments, especially for students with the most significant cognitive disabilities. High expectations for excellence in student achievement must be supported by high expectations of excellence for those entrusted to teach our youth.

ENGLISH LANGUAGE PROFICIENCY STANDARDS

English language proficiency standards developed by states must not merely be derived from the four recognized domains of speaking, listening, reading, and writing; they must ensure proficiency in these four domains. (page 23, line 4)

STATEWIDE ASSESSMENT STANDARDS

The Student Success Act must include requirements for incorporation of principles of universal design for learning as defined in Section 103 of the Higher Education Act of 1965 in development of assessments to maximize equality of access to assessment items for all students.

Statewide assessments must assess students with disabilities using the same unmodified academic content standards used to measure children without disabilities in the same grade level. The Student Success Act omits such necessary language leaving students with disabilities at risk of being held to lower expectations than their peers without disabilities. (page 26, line 3)

ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS

The determination about whether the achievement of an individual student should be measured against alternate academic achievement standards must be made separately for each student and for each subject. (page 22, line 14)

Alternate academic achievement standards must not merely promote access to the general curriculum, they must provide access to the general education curriculum. (page 22, line 19)

Language that prohibits adoption of any other alternate or modified standards other than those alternate standards specifically defined within the legislation must be included in order to protect students with disabilities from further marginalization. The Student Success Act does not include such necessary language.

ALTERNATE ASSESSMENTS BASED ON ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS (AA-AAAS)

We strongly believe that students with disabilities, including those with intellectual disabilities, must have access to grade-level general education curriculum and must be expected to demonstrate achievement on the academic content standards set forth by their state. Additionally, we believe that children with disabilities must be educated in inclusive general education classrooms to ensure equality in access to the curriculum for all children. A number of provisions in the Student Success Act undermine these goals.

Elimination of the Cap. In order to ensure the validity of student achievement data and high academic expectations for all students, there must be a cap on the number of students who take an alternate assessment based on alternate academic achievement standards. The Student Success Act eliminates this cap entirely, opening the door for many more students to be inappropriately removed from the regular state assessment. Currently the proficiency rate for students who take the AA-AAAS is far higher than it is for students with disabilities in other assessments, creating an incentive to place students in an AA-AAAS. Data shows that the incidence of students with the most significant cognitive disabilities, the students who are supposed to take the AA-AAAS, is no more than 0.5%. We believe the cap provision must remain and be lowered to 0.5%, to be aligned with incidence data.

Limits on Access to the General Education Curriculum. States must be required to demonstrate that students who take the AA-AAAS are fully included in the general education curriculum, not merely to the extent practicable as the Student Success Act currently directs. (page 29, line 21) Inclusion to the extent practicable is in conflict with the rights of all students with disabilities under the Individuals with Disabilities Education Act (IDEA). Failure to align this language with existing language in IDEA promotes dissention among families, school districts and state education administrators.

Preclusion from Opportunity to Earn a Diploma. The Student Success Act permits states to preclude students who take the AA-AAAS from the opportunity to earn a regular high school diploma. The only requirement is that schools inform the parents that participation in the AA-AAAS will preclude their child from completing the requirements for a diploma. States must be required to provide students who take the AA-AAAS with the opportunity to try to meet the requirements for a regular high school diploma in order to improve their opportunities to live independently and be gainfully employed in adulthood.

We acknowledge the political difficulties in moving legislation of this magnitude forward, and we applaud you for your efforts and leadership toward this ambitious goal. Our comments are submitted in a spirit of collaboration toward a shared goal: to ensure that all of America's students are afforded the opportunity to learn, grow, and develop the necessary skills to become productive adults contributing to the health of our nation.

CPSD presumes competence on the part of all citizens with significant disabilities to work, accrue savings, and live independently in integrated community settings. CPSD advocates that both education policy and public resources for students with significant disabilities should be focused entirely on helping individuals become self-sufficient, productive members of society. Federal and state policy leaders and implementers of policy, including school administrators, teachers academics who prepare teachers in general and special education should be held accountable for affirming this high expectations for young citizens with significant disabilities.

Sincerely,

Association of People Supporting Employment First (APSE)
Association of University Centers on Disabilities (AUCD)
Autistic Self-Advocacy Network (ASAN)
Autism Society of America (ASA)
Council of Parent Attorneys and Advocates (COPAA)
Institute for Educational Leadership (IEL)
National Down Syndrome Congress (NDSC)
National Down Syndrome Society (NDSS)
National Fragile X Foundation (NFXF)
Physician-Parent Caregivers
TASH
United Cerebral Palsy (UCP).

NATIONAL DISABILITY RIGHTS NETWORK,
Washington, DC, July 17, 2013.

DEAR REPRESENTATIVE: On behalf of the National Disability Rights Network (NDRN) and the 57 Protection and Advocacy agencies we represent, I write to express our concerns with and opposition to the Student Success Act that would reauthorize the Elementary and Secondary Education Act (ESEA). Students with disabilities have significantly benefited from ESEA over the last decade because it requires that schools measure and report the academic achievement of every child, and holds school districts accountable for each student's progress. As a result, more students with disabilities have had the opportunity to learn and master grade-level academic content.

NDRN is the national membership association for the Protection and Advocacy (P&A) system, the nationwide network of congressionally-mandated agencies that advocate on behalf of persons with disabilities in every state, the District of Columbia, Puerto Rico, the U.S. territories of American Samoa, Guam, U.S. Virgin Islands, and the Northern Mariana Islands, and affiliated with the Native American Consortium which includes the Hopi, Navajo and Piute Nations in the Four Corners region of the Southwest. For over thirty years, the P&A system has worked to protect the human and civil rights of individuals with disabilities of any age and in any setting. A central part of the work of the P&As has been to advocate for opportunities for students with disabilities to receive a quality education with their peers. Collectively, the P&A agencies are the largest provider of legally-based advocacy services for persons with disabilities in the United States.

NDRN's concerns are summarized as follows: The elimination of more than 70 programs, The lack of subgroup accountability, Lifting of the cap on the Alternate Assessment on Alternate Achievement Standards (AA-AAS), The elimination of requirements regarding teacher qualification, The lack of significant focus on school safety and climate.

ELIMINATION OF EDUCATION PROGRAMS

NDRN shares the goal of eliminating barriers that hinder schools from meeting their obligations to all students, including students with disabilities, but NDRN believes the elimination of over 70 programs, and replacing the programs with the Local Academic Flexible Grant will not improve educational outcomes for all students. We believe that students with disabilities are general education students first and that any action that would redirect limited education funding away from its intended purpose will ultimately do a disservice to all students in general education.

SUBGROUP ACCOUNTABILITY

As you know, students with disabilities have made considerable gains because of ESEA's current focus on all schools and all subgroups. These improvements have come in participation rates, academic achievement on grade level reading and math assessments and more generally in having increased access to the general curriculum and higher expectations for student achievement. NDRN believes these gains are due largely to the requirement that the participation and proficiency of all subgroups be measured, reported, and used for the planning of interventions needed for improvement.

Students with disabilities may be most at risk if revisions to the law do not ensure all schools are accountable for student achievement at the subgroup level and receive extra resources and attention when they fail to produce progress. While the reauthorization of ESEA should explore ways to grant appropriate flexibility to ensure schools can best meet local needs and design instructional needs and interventions at the local level,

this flexibility should not eliminate the current focus of ESEA's accountability framework on all schools and all subgroups or eliminate targeted help to schools that need it. NDRN believes that states and school districts must intervene in all schools in which subgroups of students, including students with disabilities, are not meeting state standards. To not focus on all schools and subgroups ignores the fact that too many schools are not providing an educational experience that enables all students with disabilities to leave school prepared for college and a career.

ELIMINATION OF THE CAP ON ALTERNATE ASSESSMENT ON ALTERNATE ACHIEVEMENT STANDARDS

The Student Success Act would radically reduce high expectations for all students with disabilities. The bill would allow states to develop alternate academic achievement standards and eliminate the current cap (often referred to as the 1% regulation) which restricts, for accountability purposes, the percentage of scores that states can count as proficient on less challenging assessments being given to students with disabilities. Assessments based on alternative achievement standards are intended for only a small number of students with the most significant cognitive disabilities. The incidence of students with the most significant cognitive disabilities is known to be far less than 1 percent. To ignore this data by raising or eliminating the cap negatively impacts students who do not have the most significant cognitive disabilities and who should not be assessed on alternate academic achievement standards.

As data and student/family experience show, the decision to place a student in the alternate assessment based on alternate achievement standards can limit or impede access to the general curriculum and take students off track for a regular diploma as early as elementary school. The Student Success Act merely promotes that students who will be assessed using Alternate Achievement Standards have access to the general education curriculum by qualifying the statement as to the ''extent practicable'' (p. 30 line 9). This leaves students at risk of being inappropriately excluded from the general education curriculum.

These limitations raise concerns for many students who are currently placed in these assessments. The problem would grow if the cap were eliminated. The alternate assessments were not designed or intended to be applied to a broader population of students. Rather than continuing to support students with disabilities in achieving a high school diploma and pursuing competitive integrated employment and postsecondary education, the lack of a cap on the use of the assessment encourages schools to expect less from students with disabilities. This will jeopardize their true potential to learn and achieve.

TEACHER QUALITY

The Student Success Act also eliminates all baseline preparation standards for teachers, instead focusing solely on measuring teacher effectiveness once teachers are already in the classroom. We believe it is a grave mistake to eliminate requirements that all teachers should be fully certified by their state and have demonstrated competency in their subject matter. All students deserve teachers who are fully-prepared on their first day in the classroom and who prove themselves effective once there.

Additionally, the Student Success Act lacks any significant equity protections, particularly with respect to ensuring equal access to fully-prepared and effective teachers for our nation's most vulnerable students. The bill eliminates the current requirement that low-income and minority students not be disproportionately taught by teachers who are unqualified, inexperienced, or teaching out of field. More generally, by failing to address comparability requirements, the bill fails to ensure that resources—including fully-prepared and effective teachers—are equitably distributed within school districts.

LACK OF SIGNIFICANT FOCUS ON SCHOOL SAFETY AND SCHOOL CLIMATE

NDRN also recognizes the significant importance of creating safe schools. Ensuring that students feel safe in school is the critical foundation to academic achievement. The creation of positive school climates, including the use of Positive Behavior Intervention and Supports (PBIS), access to school-based mental health professionals, prevention of bullying and harassment, and prevention of restraint and seclusion are critical to the success of students with disabilities. PBIS proactively addresses the academic and behavioral needs of students, and has resulted in reductions in disciplinary incidents and reduced inappropriate referrals and placements in special education. By reducing bullying and harassment, schools have been able to decrease dropout rates and absenteeism and increase academic performance of people with disabilities. As NDRN has documented, the abuse of children through the use of restraint and seclusion as discipline is unacceptable. The use of restraint and seclusion in schools should only occur when students pose an imminent danger to themselves or others, and after their use a parent must be notified. NDRN would request the inclusion of bills such as the Keeping All Students Safe Act, Mental Health in Schools Act, and Safe Schools Improvement Act.

We urge you to revise your bill to unequivocally support that all students, especially students with disabilities are safe in school and are all held to high expectations for academic achievement.

NDRN looks forward to working with you to reauthorize the Elementary and Secondary Education Act during this session of Congress. Thank you for considering our views. If you have any questions, please do not hesitate to contact Cindy Smith, Public Policy Counsel at cindy.smith@ndrn.org or 202–408–9514 ext 101.

Sincerely,

CURT DECKER, J.D.,
Executive Director.

EASTER SEALS,
Washington, DC, July 16, 2013.

DEAR REPRESENTATIVE: Easter Seals writes to you today to regarding H.R. 5, the Student Success Act. Easter Seals opposes this legislation in its current form and urges you to vote against it when it comes before the full House this week.

With the implementation of No Child Left Behind, our nation has learned much about students with disabilities and their capacity to learn, thrive and achieve. These students are very successful when they are held to the same high expectations as their peers and provided the instruction, support and accommodations they need. As a result, more students with disabilities have mastered grade-level academic content, fewer are dropping out and more are graduating from high school with a regular diploma.

As currently written, H.R. 5, bill would allow schools to take millions of students with disabilities off track for a regular high school diploma as early as 3rd grade when assessment decisions are made in schools, relegating them to lower career and college expectations—simply because they receive special education services. Now is not the time to lower expectations and create new barriers to success for students with disabilities. We must prepare them for the world of work and independent living.

Thank you for considering our views.

Sincerely,

KATY BEH NEAS,
Senior Vice President, Government Relations.

COUNCIL FOR EXCEPTIONAL CHILDREN,
Arlington, VA, July 12, 2013.

DEAR REPRESENTATIVE: On behalf of the over 30,000 members of the Council for Exceptional Children (CEC), who work on behalf of children and youth with disabilities and/or gifts and talents as teachers, local administrators, higher education faculty, related service personnel and other professionals, we are writing to express our concerns with the Student Success Act (H.R. 5), which would reauthorize the Elementary and Secondary Education Act (ESEA).

CEC commends Congress for engaging in the process to reauthorize ESEA, which has been long overdue. States and local school districts need additional resources and flexibility to provide a quality education to all students, including students with disabilities and/or gifts and talents. We are pleased that H.R. 5 eliminates adequate yearly progress and with it the arbitrary deadline of 2014. Additionally, we support the legislation's focus on disaggregating student achievement data by subgroup and public reporting of such data. However, we are troubled by the overall lack of accountability and great weakening of the federal role this legislation represents for students with disabilities. Specifically, we oppose the following:

Reduction of Accountability for Students with Disabilities: NCLB brought students with disabilities and the educators who serve them to the table in new and important ways. Due to this increased focus and inclusion in the accountability system, students with disabilities increased participation rates, academic achievement on grade level reading and math assessments and more generally in having increased access to the general curriculum and higher expectations for student achievement. We believe these gains are due largely to the requirement that the participation and proficiency of all subgroups be measured, reported, and used for the planning of interventions needed for improvement. H.R. 5 lacks this focus and, if enacted, CEC fears many students with disabilities will be excluded from the accountability system.

Elimination of the 1% Cap: CEC opposes the elimination of the current 1% cap on the use of assessment scores for accountability purposes for students with significant cognitive disabilities. It is important to note that students who take an alternate assessment are removed from the general accountability system and are unable to receive a regular high school diploma. Experts recognize that the 1% amount addresses the proportion of students who may need to take an alternate assessment. Removing this cap may create an incentive to exclude students from the general assessment and place them on an alternate simply to increase the statistical view of achievement in a district. It is not a needed change and as such, we cannot support it.

Elimination of Highly Qualified Teacher Provisions: This legislation eliminates minimum requirements for teachers entering into the education profession thereby lifting a protection for our most vulnerable students, including many students with disabilities, who are often placed in classrooms with new teachers. Under H.R. 5, these students fall into an unprotected loophole and simply are not guaranteed a well-prepared, qualified teacher.

Lack of Focus on Professional Development: Nothing in this legislation requires ongoing professional development, despite evidence that this is needed by the field and leads to gains in student achievement and student growth. Although Title II funds may be used to support professional development, this bill backs away from the federal government's long-standing commitment to support education professionals. This support is needed now, more than ever.

Reduced, Capped and Eliminated Funding: This legislation locks into place post-sequester funding levels which cut over $1.3 billion to ESEA programs last year alone. Should this bill become law, locking in the sequester levels as the authorization levels through FY 2019 would prevent the Congress from increasing funding for ESEA programs even if the sequester were replaced or revised at any time in the next six years. Furthermore, CEC opposes setting caps on Title I funding and eliminating Maintenance of Effort provisions Eliminating safeguards will not ensure accountability and achievement. States and districts need more resources in this environment and are working under ever decreasing budget measures. These waves of cuts have come at a time when enrollments have increased, more children are living in poverty, and schools and students have endured deep state and local budget cuts.

Increased Privatization of Education: CEC opposes using public funding to support private schools. CEC opposes vouchers for children and youth and those with disabilities because they contradict and undermine the central purposes of civil rights laws including these measures. Vouchers deprive students of rights and protections they have while in public schools. This is especially critical for students with disabilities who lose all protections under the Individuals with Disabilities Education Act when they leave public schools and attend a private school.

Fails to include the Keeping All Students Safe Act: CEC is deeply concerned that H.R. 5 does not include the Keeping All Student's Safe Act. CEC has worked for years to ensure that our nation has strong, consistent policies about the use of restraint and seclusion techniques and meaningful access to professional development around their use for all educators. The Keeping All Students Safe Act addresses both of these concerns and would ensure our nation has meaningful data across states about their use. Embedding this important legislation in ESEA is critical.

Ignores the Needs of High-Ability Students: H.R. 5 eliminates the only federal program dedicated to addressing the needs of high-ability students from disadvantaged backgrounds, the Jacob K. Javits Gifted and Talented Students Education Act. Additionally, H.R. 5 eliminates the definition of ''gifted and talented'' and fails to incorporate any of the comprehensive changes proposed by the TALENT Act (H.R. 2338), CEC endorsed legislation which seeks to close achievement gaps at the top performance levels between low-income and/or minority students and their more advantaged peers, known as the ''excellence gap''.

CEC looks forward to continuing to work with you to ensure that our education system raises expectations for students with disabilities and/or gifts and talents and ensures that all educators are prepared to meet their needs. Please feel free to contact me or Kim Hymes to further discuss these issues.

Sincerely,

DEBORAH A. ZIEGLER, ED.D.,
Associate Executive Director.

Mr. Chair, given the chairman of the committee's pledge to work with me as reauthorization moves forward, I withdraw the amendment and support the underlying bill.

Mr. HARPER. Mr. Chair, I submit the following letters for the RECORD:

NATIONAL CENTER FOR LEARNING DISABILITIES
July 15, 2013.

DEAR CHAIRMAN KLINE AND RANKING MEMBER MILLER: The National Center for Learning Disabilities (NCLD) is writing to express our strong opposition to the Student Success Act (H.R. 5). The bill would dramatically alter the academic landscape for students with disabilities, jeopardizing their ability to graduate from high school, go to college and obtain employment. The bill virtually creates a system that reinforces rather than helping students become independent, educated, tax-paying citizens, they will most likely become tax burdens. While movement toward reauthorizing the Elementary and Secondary Education Act (ESEA) is much needed, the cost these bills will have on the educational and employment futures of students with disabilities, especially those with learning disabilities, is too high. Our first and primary area of concern is the lack of a strong and meaningful requirement to close the destructive achievement gaps that impact students with disabilities and other disadvantaged students. While ESEA is in significant need of reform, its provisions have compelled certain schools and districts to focus on increasing the achievement of students with disabilities. Unfortunately, these bills eliminate the provisions of ESEA that have benefited students with disabilities. Most troubling is the lack of academic performance targets and graduation goals for students and the lack of a requirement for targeted instructional supports when students are academically struggling.

The Student Success Act would also dramatically lower expectations for students with learning disabilities in three critical ways:

(1) Allowing computer adaptive assessments that test students off grade level for summative and other purposes. Current practice in states utilizing adaptive testing show that while adaptive testing is a terrific tool to help teachers understand where learning gaps exist for formative purposes, when adaptive testing is allowed for end of year or summative testing, it can result in unacceptable consequences, including locking lower performing students into the simplest content. For example, a poorly engineered adaptive test risks testing lower performing students only on cognitively simpler skills such as recall, recognition and rote applications of mathematics. Furthermore, because the assessment may never test lower performing students on more difficult and/or cognitively complex items, it risks creating a situation that encourages teachers to limit the curriculum and instruction for lower performing students to the simplest tasks. Thus, teachers may avoid focusing on critical skills such as higher level problem solving and analysis. Similarly, a poorly designed adaptive test can deny students an opportunity to demonstrate their knowledge across the grade level content.

(2) Eliminating the current cap (often referred to as the 1 percent regulation) which restricts, for accountability purposes, the use of scores on less challenging assessments being given to students with disabilities. The bill allows schools to give the alternate assessment on alternate academic standards to an unlimited number of students. Under the bill, too many students with disabilities would be forced into an alternate curriculum very early in their educational career, thus jeopardizing their ability to graduate high school with a regular diploma, enter career training or attend college.

(3) Ignoring the literacy needs of millions of poor readers and writers at a time when these skills are integral to ensuring every young person can enter college or career training with the most basic reading and writing skills. Rather than ensure that there is dedicated funding for these critical skills, the bill consolidates numerous Federal education initiatives, endangering literacy and other key focuses designed to help struggling students. These shortcomings set back efforts to ensure disadvantaged students, including students with learning disabilities, receive instruction, intervention and support that will strengthen their opportunity to achieve academically.

In summary, the policies H.R. 5 advances would reverse the progress that has been made for students with learning disabilities over the past decade. For that reason, and on behalf of the 100,000 parents and children for which we advocate, we respectfully, but strongly, urge Members to oppose the bill.

Sincerely,

JAMES H. WENDORF,
Executive Director.

THE ARC,
July 17, 2013.

Hon. Cathy McMorris Rodgers,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MCMORRIS RODGERS: The Arc of the United States is writing to endorse the position of the Consortium for Citizens with Disabilities (CCD) Education Task Force opposing the Student Success Act (H.R. 5) in its current form. The Arc is concerned that the bill, without significant revisions, will undermine the progress and academic achievement of students with intellectual and developmental disabilities.

While we have numerous concerns about the bill, we are specifically concerned about the proposal to allow states to eliminate the cap on alternative assessment on alternate achievement standards. The use of alternative achievement standards is intended to apply to only a small number of students with the most significant cognitive disabilities. Allowing more students to be assessed in this matter may undermine the accountability of the schools to educate students with disabilities and lowers the expectations of academic achievement for these students.

The Arc of the United States appreciates your advocacy on behalf of children with intellectual and developmental disabilities. If you have questions or would like additional information please contact Maureen Fitzgerald (fitzgerald@thearc.org). Thank you for consideration of our position.

Sincerely,

MARTY FORD,
Senior Executive Officer, Public Policy.

AUTISM NATIONAL COMMITTEE, INC.,
July 17, 2013.

H.R. 5 (Student Success Act) Does Not Protect Students With Disabilities

Hon. Cathy McMorris Rodgers,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN MCMORRIS RODGERS: The Autism National Committee is deeply concerned that the Student Success Act (H.R. 5) will fail to ensure good education for all students, including those with disabilities. H.R. 5 will enable schools take students with disabilities off track to graduate high school and become college and career ready. It will do this by lifting the cap on alternate assessments and by imposing other features that would result in weak educations for students with disabilities. Students with disabilities need more support

and higher expectations from schools; not less. Only 10 percent of jobs in 2018 are expected to be open to high-school dropouts. Yet, high school graduation rates for students with disabilities are 66% or lower in 30 states.

The Student Success Act, H.R. 5, would sharply reduce high expectations for students with disabilities. The bill would allow states to develop alternate academic achievement standards and eliminate the current cap (often referred to as the 1% regulation) which restricts, for accountability purposes, the use of the scores on less challenging assessments being given to students with disabilities. Such assessments are intended for only a small number of students with the most significant cognitive disabilities who can never take the general assessment. The incidence of students with the most significant cognitive disabilities is known to be far less than 1%. To ignore this data by raising or eliminating the cap would violate the legal rights of students who do not have the most significant cognitive disabilities and who should not be assessed on alternate academic achievement standards.

As data and student/family experience show, the decision to place a student in the alternate assessment on alternate achievement standards can limit or impede access to the general curriculum and take students off track for a regular diploma as early as elementary school. These limitations raise concerns for many students who are currently placed in these assessments. The problem would grow if the cap were eliminated. The alternate assessments were not designed or intended to be applied to a broader population of students. Rather than continuing to support students with disabilities in achieving a high school diploma and pursuing employment and postsecondary education, the lack of a cap on the use of the assessment virtually encourages schools to expect less from students with disabilities. Earnings for an adult with a high school diploma are $9,000 greater on average that a dropout; earnings for a person with a bachelor's or associates' degree, even higher.

Participation and proficiency of all subgroups should be measured, reported, and used for the planning of interventions needed for improvement. But H.R. 5 does not do this. It will undo progress that students with disabilities have made as a result of ESEA's current focus on all schools and all subgroups. These improvements have come in participation rates, academic achievement on grade level reading and math assessments and more generally in having increased access to the general curriculum and higher expectations for student achievement.

Students with disabilities may be most at risk if revisions to the law do not ensure all schools are accountable for student achievement at the subgroup level and receive extra resources and attention when they fail to produce progress. While the reauthorization of ESEA should explore ways to grant appropriate flexibility to ensure schools can best meet local needs and design instructional needs and interventions at the local level, this flexibility should not eliminate the ESEA accountability framework of focusing on all schools and all subgroups or eliminate targeted help to schools that need it.

It is important to measure achievement and academic growth for all students to determine whether schools and districts are properly meeting their targets and preparing students to graduate college and career ready. This is particularly important subgroups like students with disabilities who have historically received inadequate educations.

ESEA should require evidence-based, positive and preventative strategies to promote a positive school culture and climate and keep all students, including students with the most complex and intensive behavioral needs, and school personnel safe. The Student Success Act does not ensure that students are free from physical or mental abuse or aversive behavioral interventions that compromise health and safety. The use of restraint and seclusion must only be used in emergencies threatening physical safety and never a substitute for appropriate educational or behavioral support. Parents must be notified promptly if their child is subjected to these practices.

It is important that Congress not pass the Student Success Act in its present form. Children with disabilities deserve an education that will enable them to succeed and to graduate from high school career and college ready. These students have much to offer our society and our economy. We must not fail this generation of students with disabilities, but rather, enable them to climb the ladder of success. We fear that H.R. 5 will do this.

Sincerely,

JESS BUTLER,
Congressional Affairs Coordinator, Autism National Committee.

TASH,
July 18, 2013.

Hon. JOHN KLINE,
Chairman, House Committee on Education and the Workforce, Washington, DC.

CHAIRMAN KLINE: I am writing on behalf of TASH, an international membership organizations working to promote full participation of children and adults with disabilities in every aspect of life. On behalf of our members, I am writing to you today to ask you to vote 'no' on the Student Success Act (H.R. 5). We should presume competence on the part of all citizens with significant disabilities to work, accrue savings, and live independently in integrated community settings. I am concerned with the following issues in the bill:

1. LACK OF ACCOUNTABILITY

The Student Success Act eliminates nearly all federal requirements that were included in NCLB to ensure that states set high academic performance goals for all students, work to close achievement gaps, and help to improve struggling schools. We cannot meet these high expectations for our children and for our nation without holding those managing the funds accountable for producing results.

2. ELIMINATION OF MAINTENANCE OF EFFORT (MOE)

The Student Success Act eliminates the longstanding ESEA Maintenance of Effort (MOE) requirement that, federal dollars are to be used to supplement state and local activities, not to supplant state and district funding. The district must assume primary fiscal responsibility for its efforts to provide a free public education to all students with supplemental assistance from the federal government. The MOE requirement is in place to ensure that there is adequate funding to meet student needs. We have strong concerns that if MOE is eliminated from ESEA, (1) student needs will no longer be reliably met, and (2) there will be an effort to eliminate MOE from IDEA in its next reauthorization.

3. HIGHLY QUALIFIED TEACHERS PROVISIONS

The Student Success Act eliminates requirements that teachers meet highly qualified teacher requirements that are currently in NCLB. These requirements determine whether teachers have the necessary credentials and core content knowledge to teach our nation's students. In addition, these requirements also determine whether regular and special education teachers and other appropriate staff enlisted to administer statewide assessments are trained in how to administer these assessments and in how to make appropriate use of reasonable adaptations and valid and reliable accommodations for such assessments, especially for students with the most significant cognitive disabilities. High expectations for exellence in student achievement must be supported by high expectations of excellence for those entrusted to teach our youth.

4. ENGLISH LANGUAGE PROFICIENCY STANDARDS

English language proficiency standards developed by states must not merely be derived from the four recognized domains of speaking, listening, reading, and writing; they must ensure proficiency in these four domains. (page 23, line 4)

5. STATEWIDE ASSESSMENT STANDARDS

The Student Success Act must include requirements for incorporation of principles of universal design for learning as defined in Section 103 of the Higher Education Act of 1965 in development of assessments to maximize equality of access to assessment items for all students.

Statewide assessments must assess students with disabilities using the same unmodified academic content standards used to measure children without disabilities in the same grade level. The Student Success Act omits such necessary language leaving students with disabilities at risk of being held to lower expectations than their peers without disabilities. (page 26, line 3).

6. ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS

The determination about whether the achievement of an individual student should be measured against alternate academic achievement standards must be made separately for each student and for each subject. (page 22, line 14)

Alternate academic achievement standards must not merely promote access to the general curriculum, they must provide access to the general education curriculum. (page 22, line 19)

Language that prohibits adoption of any other alternate or modified standards other than those alternate standards specifically defined within the legislation must be included in order to protect students with disabilities from further marginalization. The Student Success Act does not include such necessary language.

7. ALTERNATE ASSESSMENTS BASED ON ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS (AA–AAAS)

Students with disabilities, including those with intellectual disabilities, must have access to grade-level general education curriculum and must be expected to demonstrate achievement on the academic content standards set forth by their state. Additionally, we believe that children with disabilities must be educated in inclusive general education classrooms to ensure equality in access to the curriculum for all children. A number of provisions in the Student Success Act undermine these goals.

Elimination of the Cap. In order to ensure the validity of student achievement data and high academic expectations for all students, there must be a cap on the number of students who take an alternate assessment based on alternate academic achievement standards. The Student Success Act eliminates this cap entirely, opening the door for many more students to be inappropriately removed from the regular state assessment. Currently the proficiency rate for students who take the AA–AAAS is far higher than it

is for students with disabilities in other assessments, creating an incentive to place students in an AA–AAAS. Data shows that the incidence of students with the most significant cognitive disabilities, the students who are supposed to take the AA–AAAS, is no more than 0.5%. We believe the cap provision must remain and be lowered to 0.5%, to be aligned with incidence data.

Limits on Access to the General Education Curriculum. States must be required to demonstrate that students who take the AA–AAAS are fully included in the general education curriculum, not merely to the extent practicable as the Student Success Act currently directs. (page 29, line 21) Inclusion to the extent practicable is in conflict with the rights of all students with disabilities under the Individuals with Disabilities Education Act (IDEA). Failure to align this language with existing language in IDEA promotes dissention among families, school districts and state education administrators.

Preclusion from Opportunity to Earn a Diploma. The Student Success Act permits states to preclude students who take the AA–AAAS from the opportunity to earn a regular high school diploma. The only requirement is that schools inform the parents that participation in the AA–AAAS will preclude their child from completing the requirements for a diploma. States must be required to provide students who take the AA–AAAS with the opportunity to try to meet the requirements for a regular high school diploma in order to improve their opportunities to live independently and be gainfully employed in adulthood.

Thank you for considering these concerns.

Sincerely,

BARBARA TRADER,
Executive Director, TASH.

AMENDMENT NO. 8 OFFERED BY MR. REED

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 113–158.

Mr. REED. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 33, line 23, strike ''and''.

Page 34, after line 13, insert the following:

''(III) other measures of school success; and''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from New York (Mr. REED) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. REED. Mr. Chairman, I rise today in support of this amendment. I would like to thank the chairman for his support, as well as my colleague from New York (Mr. OWENS) and the gentleman from West Virginia (Mr. MCKINLEY) for their work on this issue.

I am proud to support the underlying legislation, the Student Success Act, that removes the one-size-fits-all Federal Adequate Yearly Progress mandates that are strangling local school districts and forcing teachers to ''teach to the test.'' While testing is an important part of a school's assessment, we can all agree that additional measures such as graduation rates, involvement in advanced classes, or extracurricular activities are also important indicators of where students or a school district stands in their efforts to educate our Nation's children.

A student should not be measured only by their ability to succeed on a test. This amendment would allow State and local education agencies to use multiple measures when it comes to these assessments. State and local educators should be encouraged to base academic achievement systems on these multiple measures. No Child Left Behind's mandate on success has consistently shown that schools are being mislabeled and subsequently punished based on testing scores alone. That's just not fair.

This amendment also gives States further flexibility to include parameters of their choosing in their accountability systems to better measure school success. Together, we can better care for our children and encourage their success in school.

I am pleased to be offering this amendment with bipartisan support and urge my colleagues to vote in favor of this amendment. I would also like to thank the chairman, the National Education Association, the American Federation of Teachers, and the School Superintendents Association for their support on this effort.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I rise to claim time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chair, I rise in strong opposition to the Reed amendment because it weakens accountability for ensuring that our Nation's students are achieving at high levels. This amendment seems like a good thing—allowing schools to measure in areas besides reading and math—but the amendment is so vague that it will allow almost any measure to be used, and that's not what we need in the system at this time.

Adding measures to this amendment does not fix any of the problems to help students. Too often, we've seen throughout the course of the last many years that adults try to make themselves look good by hiding and masking how well their students are doing academically by trying to seek other systems of measure that will make a school look better, even though the students inside that school are not performing at top level.

For those reasons, I oppose the amendment, and I yield to the gentleman from California (Mr. TAKANO).

Mr. TAKANO. Mr. Chairman, I rise to engage the ranking member of the House Education and Labor Committee, Mr. MILLER, in a colloquy.

As a teacher for more than 20 years, I've seen firsthand the unintended, yet harmful, consequences that the annual assessment requirements included in No Child Left Behind and the States' poor decisions in the implementation of them have had on America's students and teachers alike. I'm concerned that high stakes and low-quality testing have caused a negative shift in our education system from teaching to testing, and our education system is no better off than it was before.

Mr. MILLER, you have spent a considerable time on this issue and have been a leader in the Congress on education. Will you work with me to address the issues regarding our testing in our Nation's schools?

Mr. GEORGE MILLER of California. I thank the gentleman.

I agree with the gentleman that the testing provisions included in No Child Left Behind as well as the implementation of these provisions is imperfect and outdated. Unfortunately, ESEA authorization is 5 years overdue and the majority appears to have no interest in working with us to develop a bill that can pass both the House and the Senate.

However, I'll gladly work with you to address the issue of testing in America's schools to ensure that while we continue to measure whether or not students are achieving at grade level, we will also ensure such assessments be done in a way to improve both teaching and learning.

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Mr. TAKANO. Thank you, Mr. MILLER. I look forward to working with you.

Mr. Chairman, I have submitted an amendment with Representative GIBSON to H.R. 5, which would return annual testing to pre-No Child Left Behind levels. However, H.R. 5 is just so bad of a bill that even this amendment, if it were to pass, I could not support the bill. That is why I decided to withdraw my support for the amendment.

I thank Mr. MILLER for his leadership on this issue.

Mr. GEORGE MILLER of California. I thank the gentleman from California, and I yield back the balance of my time.

Mr. REED. Mr. Chairman, at this time I'd like to yield 1½ minutes to my good friend from West Virginia, (Mr. MCKINLEY).

Mr. MCKINLEY. Mr. Chairman, I rise in support of this amendment.

Whenever I speak with teachers, principals, and parents back in West Virginia, a common theme that emerges from those conversations is that they acknowledge one size doesn't fit all. They want control restored to the State and local levels. The underlying bill makes great strides in returning that control to the people who know best how to educate our children and our grandchildren, not bureaucrats in Washington.

My colleagues, Mr. REED and Mr. OWENS, and I have offered an amendment to go even further in giving States that flexibility they seek. The amendment will allow States and local governments to take multiple measures into consideration.

Currently, No Child Left Behind uses narrow Federal mandates on testing to

measure results. Testing may be just part of the solution, but States should be allowed to look at the ability of other benchmarks like graduation rates and the percentage of students taking advance courses.

This amendment has bipartisan support and is a commonsense way to improve the underlying bill. Local government and flexibility should trump Washington mandates.

Mr. REED. Mr. Chairman, at this point in time I would just ask that my colleagues join me in this commonsense amendment that allows the local communities and local school districts the flexibility to consider multiple measures in determining whether or not a school or student is succeeding or failing in our Nation's school system.

With that, Mr. Chairman, I would ask my colleagues to support this amendment, and I yield back the balance of my time.

Mr. REICHERT. Mr. Chair, each and every one of us is unique, with different talents and strengths. We all know this—our teachers certainly understand this. And yet, when it comes to our children and their education we persist in treating them as if they're all cookie cutter versions of one another, with the same learning styles.

I understand this all too well. Because of my own learning style and challenges (I have dyslexia), having a more interactive, practical exam, in addition to the standardized test, was a far more accurate assessment of my abilities than the standardized test alone. With both being taken into consideration, I became one of the highest scoring applicants, and before too long I was Sheriff of one of the largest counties in the Pacific Northwest.

This is why I urge my colleagues to support Congressman REED's amendment. Our children deserve better than a one-size-fits-all single standardized test to measure their academic achievement. Multiple learning assessments and score indicators more accurately reflect true student and school performance.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. REED).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. BENISHEK

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 113–158.

Mr. BENISHEK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 45, line 15, insert before the period, the following: '', such as the number of students enrolled in each public secondary school in the State attaining career and technical proficiencies, as defined in section 113(b)(2)(A) of the Carl D. Perkins Career and Technical Education Act of 2006, and reported by the State in a manner consistent with section 113(c) of such Act''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Michigan (Mr. BENISHEK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. BENISHEK. Mr. Chairman, I rise today to urge support for amendment No. 9, which encourages States to include the number of students attaining career and technical education proficiencies that are enrolled in public secondary schools in its annual State report card. This information is already required to be collected by current law and would simply streamline access to information for the public.

To preserve the American Dream, we must ensure that our children and grandchildren have the skills needed to land a good-paying job that provides for a family and pays the bills. These jobs require knowledge in science, technology, engineering, and math fields, along with industry-recognized credentials through career and technical education, or CTE.

A 2012 Talent Shortage Survey indicated that one in three job providers finds it hard to fill vacancies because job applicants with the right skills are not easily attainable. Currently, U.S. employers are having difficulty filling positions such as skilled trade workers, IT staff, mechanics, machinists, and machine operators.

Whether a student wants to pursue a college degree or plans to enter the workforce immediately after high school, we have to work to ensure that they have the necessary training, education, and skills to have a successful career in the path of their choosing.

Just this weekend, I spoke with a manufacturing company in my district that told me about their need for job applicants with voc-ed skills. They told me there are jobs waiting to be filled; they just need to have the individuals with the right training.

Moms and dads in northern Michigan have also told me that they weren't even aware of voc-ed programs being offered at local high schools. One of my goals is to be sure that parents and students are aware of these programs and the long-term benefit they can provide to young adults.

Through the outstanding work of our teachers, school administration officials, and partnerships with universities and industry, numerous vocational ed initiatives are already under way in my district. For example, the Delta Tradecraft ISD in Escanaba has an outstanding partnership with Vanaire, a manufacturing company. Throughout high school, students can take career and technical education courses that are aligned with job requirements at Vanaire. From participating in voc-ed courses, numerous students have been offered jobs at Vanaire immediately upon graduation.

My amendment would make career and technical education data more visible for parents and students who are choosing where to enroll and what programs to participate in, as well as for teachers and administrators to understand the impact career readiness has on student performance, graduation, and success in post-secondary ventures.

I urge my colleagues to support this amendment and the passage of the underlying bill.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise to claim time in opposition to the amendment although I will not be in opposition.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise to express appreciation for Mr. BENISHEK for this amendment. The gentleman from Michigan has an admirable goal, which is to improve career and technical education.

Members of the Congress are well aware of the needs in all of our local communities. As new systems of manufacturing are brought online and as new innovations take place, we want to know how well our students are doing and how well our schools are doing in helping to prepare those students for job opportunities that are presented in these many craft areas.

I would urge Members to support this amendment, and I yield back the balance of my time.

Mr. BENISHEK. I thank the gentleman for his support, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. BENISHEK).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. HECK OF NEVADA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 113–158.

Mr. HECK of Nevada. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 138, line 4, strike ''Funds'' and insert ''(a) IN GENERAL.—Funds''.

Page 139, after line 2, insert the following:

''(b) CONTRACTS AND GRANTS.—A local educational agency may use a grant received under this chapter to carry out the activities described under paragraphs (1) through (5) of subsection (a) directly or through grants, contracts, or cooperative agreements.''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Nevada (Mr. HECK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. HECK of Nevada. Mr. Chairman, the amendment I'm offering today focuses on helping children that far too often go unnoticed or get left behind by our education system—neglected, delinquent, and other at-risk youth.

As a cosponsor of the Student Success Act, I am pleased that the underlying bill continues to provide for important programs that offer educational opportunities for youth in, or returning from, correctional institutions, as well as other at-risk populations.

Additionally, under the bill, school districts also may coordinate health and social services, operate dropout prevention programs for at-risk children and youth, provide career and technical counseling, or offer other mentoring services.

To help ensure that neglected, delinquent, and at-risk youth are given the care and attention they need, my amendment provides local educational agencies with the option of partnering with organizations that have critical experience and existing resources that would enhance the services provided by school districts to our most vulnerable youth.

Mr. Chairman, there are a number of hardworking organizations that are dedicated to providing a wide range of services and care to vulnerable children that need it most, and partnering with them would help these children.

For example, in my home State of Nevada, Boys Town has worked for more than two decades to provide an integrated continuum of care that assists more than 20,000 children and families in Nevada each year. These are children who have been abused, neglected, or abandoned; children with serious behavioral, academic, social, or emotional problems. Their stories are heartbreaking, but their personal development into independent, productive citizens with help from Boys Town is simply astounding.

Boys Town operates in a number of States throughout the country, and there are many other nonprofits and organizations that offer similar services. They have done the groundwork, they have proven their effectiveness, and they are a vital part of our communities and would be valuable partners.

Additionally, given our current fiscal climate, it is more important than ever to ensure that we are using all available resources effectively.

By allowing local educational agencies and these organizations more flexibility to work together and share expertise, vulnerable youth will benefit from the attention and care they need both at school and at home. Coordinating these efforts provides critical stability that these children deserve.

Children belong in the education system, not the juvenile justice system.

I urge my colleagues to support this important amendment, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment, though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. I urge support of the Heck amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Mr. HECK).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. MEEHAN

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 113–158.

Mr. MEEHAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 245, line 11, insert ‘‘, including those representatives and members nominated by local and national stakeholder representatives’’ after ‘‘title’’.

Page 245, line 15, after ‘‘information.’’ insert the following: ‘‘Such regional meetings and electronic exchanges of information shall be public and notice of such meetings and exchanges shall be provided to interested stakeholders.’’.

Page 248, beginning on line 6, after ‘‘assessment’’ insert the following: ‘‘(which shall include a representative sampling of local educational agencies based on local educational agency enrollment, urban, suburban, or rural character, and other factors impacted by the proposed regulation)’’.

Page 248, line 12, strike ‘‘and’’.

Page 248, line 15, strike the period and insert ‘‘; and’’.

Page 248, after line 15, insert the following new subparagraph:

‘‘(C) the proposed regulation, which thoroughly addresses, based on the comments received during the comment and review period under paragraph (3), whether the rule is financially, operationally, and educationally viable at the local level.’’.

Page 475, after line 19, insert the following new section:

‘‘SEC. 5530. LOCAL CONTROL.

‘‘The Secretary shall not—

‘‘(1) impose any requirements or exercise any governance or authority over school administration, including the development and expenditure over school budgets, unless explicitly authorized under this Act;

‘‘(2) issue any regulations or non-regulatory guidance without first consulting with local stakeholders and fairly addressing their concerns; or

‘‘(3) deny any local educational agency the right to object to any administrative requirement, including actions that place additional burdens or cost on the local educational agency.’’.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Pennsylvania (Mr. MEEHAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MEEHAN. Mr. Chairman, I rise in strong support of the Schock-Meehan amendment.

In recent years, the Federal Government has taken more and more control over deciding what goals and curriculum best fit our kids' needs. However, as all Americans know, education policy should be set by those that know the community best—parents, teachers, and local school board members. That's exactly what this amendment does. Our amendment has three main objectives:

It restores flexibility in crafting curriculum and education for our children. The Department of Education would be restricted in promulgating any rules and regulations that contradict or create costly burdens on local school districts without an act of Congress.

Second, it strengthens the process for input by parents.

And, last, it requires that the Department of Education provide an annual report to Congress on how any policies affect local school districts.

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This enables local school boards to have the ability to craft policies in coordination with the communities they serve.

This amendment is vitally important to our communities. From Pennsylvania to Illinois and beyond, the parents, the students, and the school board members that they elect are truly the experts in education, not Washington bureaucrats.

I urge my colleagues to support the Schock-Meehan amendment.

Mr. Chair, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chair, I yield myself 3 minutes.

I rise in opposition to the Schock-Meehan amendment because it really is a political exercise that fails to fix the problems of H.R. 5, the Letting Students Down Act. The amendment is an ideological attempt to give school districts more control, but actually doesn't do that. It just creates more paperwork, more bureaucracy at the Federal level by consultations and chances to dispute regulations, many of which are already allowed in Federal law, but this would be a separate subset to require that.

I have been here a long time, and I can't think of any administration that gave both States and local school districts more options, more flexibility, more ability to design the systems under which they want to work than the Obama administration, which now there are 37 States who have undertaken Race to the Top, which gave them great flexibility, and there are 40 States that have undertaken waivers, which give them even more flexibility. When you talk to the superintendents and you talk to the Governors in those States, they are delighted to have that flexibility to design the systems that they want to be able to design and to improve the systems and to get better achievement by their students.

Now we are coming along with some continuation of some outdated, very conservative argument that all these problems are at the Federal Government. The fact of the matter is no administration has unleashed the skills and the talents and the desires of local school districts and States than this administration.

This is an ideological bent. It is an ideological fix. It is not going to end. What it doesn't do is it doesn't correct

any of the very real and very big problems that underlie this amendment in the underlying bill, because the underlying bill gets education funding and it locks in the sequestration levels that are going to grind down every school district that has poor students and poor schools in that district, and it lets States dramatically reduce the funding for those districts.

The priority of this Federal spending is to try to equalize the opportunity for those poor minority children, and it diverts funds for teachers away from poor schools and districts toward the wealthier ones. It eliminates the block grant funding for vital programs with no accountability—no accountability—how those funds will be spent. We just saw an amendment offered here earlier today because people recognize all that does is just diminish the resources that are available for those populations with special needs.

I oppose this amendment, as I do the underlying legislation, and I would ask my colleagues to vote against it.

I yield back the balance of my time.

Mr. MEEHAN. Mr. Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Pennsylvania has 3½ minutes remaining.

Mr. MEEHAN. Mr. Chair, I would like to yield 2 minutes to the gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. Mr. Chair, I thank my good friend and cosponsor of this amendment, Mr. MEEHAN.

I rise today in support of my amendment to strengthen the process by which local school districts can provide meaningful firsthand input in the development of rules and regulations issued by the Department of Education.

As a former school board member, I can tell you nothing is more frustrating to school board members, 96 percent of whom are directly elected by the voters in their community, than having to redirect limited resources that they have to unfunded mandates contained in rules and regulations issued by the Department of Education.

My amendment here today ensures that rules and regulations are educationally and operationally viable at the local level by ensuring that electronic exchanges of information and any regional meetings that are held by the Department of Education are public and notice of such meetings and exchanges are proactively provided to the interested stakeholders. This outreach is important for all sides and I believe will benefit the overall rulemaking process.

My amendment also prohibits the Department of Education from imposing additional requirements in rules, regulations, and nonregulatory guidance that have not been specifically authorized in the underlying legislation. This is an important step to ensure that education policy is implemented at the local level by leaders who are held accountable by the students, parents, and taxpayers they represent.

Nearly all States have delegated the power and authority to decide the direction of their school districts to the local school boards. My amendment reinforces the notion that local school board members can continue to exercise the power and authority they were given by the communities they represent.

Let's stop further unlegislated, unfunded mandates by the Federal Government and vote ''yes'' on amendment 44.

Mr. MEEHAN. How much time do I have remaining, Mr. Chair?

The Acting CHAIR. The gentleman from Pennsylvania has 1¾ minutes remaining.

Mr. MEEHAN. Mr. Chair, at this point, I would like to yield 1 minute of that time to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. Mr. Chair, this is all about the local election of a school board, a school board that is elected that is distinct for that district. The parents go to school with the same kids. They're all interconnected, they know each other, and they're making decisions because we don't have a national school board. We should have local school boards.

Why do we do that? Because we want local decisions made on whether they're going to have uniforms, what they're going to serve at lunch, how they're going to interact, what their class schedule is going to be, what their curriculum is going to be. Those are local decisions that should be made because those parents know their kids extremely well and love their kids more than anyone. In central Oklahoma, I can assure you, our parents love their kids and know their kids better than someone 1,300 miles away in Washington, D.C.

So the simple decision should be made that I have personally contacted the superintendents in my district who ask for one simple thing: allow us to make decisions locally. We want to know that the decisions we make are going to stick and we won't spend all of our time and all of our money hiring compliance people to connect with the Federal Government to know what monies go where and what silos go where. And I hear over and over again, Race to the Top didn't give us greater flexibility. It actually said, You have flexibility in the silo that we give you. They want just real flexibility.

I would encourage the passage of this amendment.

Mr. MEEHAN. Mr. Chair, let me just close my time by once again articulating the point that has been so well made by my colleagues as well, that we do not have a Secretary of Education that is a national school board president.

I have spoken to those who have dedicated their time and their professional commitment: school board leaders and local educators themselves who understand how to best create the kinds of curriculum that will most effectively serve the children in our communities.

I ask our colleagues to strongly support the Schock-Meehan amendment.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MEEHAN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. SCALISE

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 113–158.

Mr. SCALISE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 253, line 3, insert before ''develop'' the following: ''if a State educational agency or local educational agency so chooses,''

Page 257, line 21 through page 258, line 2, strike paragraph (5).

Page 258, line 3 through line 14, strike paragraph (6) and insert the following:

''(5) If applicable, a description of how the State educational agency will work with local educational agencies in the State to develop or implement a teacher or school leader evaluation system.''.

Page 258, line 15, strike ''(7)'' and insert ''(6)''.

Page 261, line 2, strike ''to'' and all that follows through ''fulfill'' on line 19, and insert ''to fulfill''.

Page 261, after line 24, insert the following:

''(A) provide training and technical assistance to local educational agencies on—

''(i) in the case of a State educational agency not implementing a statewide teacher evaluation system—

''(I) the development and implementation of a teacher evaluation system; and

''(II) training school leaders in using such evaluation system; or

''(ii) in the case of a State educational agency implementing a statewide teacher evaluation system, implementing such evaluation system;''.

Page 262, line 1, strike ''(A)'' and insert ''(B)''.

Page 262, line 7, strike ''(B)'' and insert ''(C)''.

Page 262, line 9, strike ''2123(2)(D)'' and insert ''2123(6)''.

Page 262, line 10, strike ''(C)'' and insert ''(D)''.

Page 264, line 21 through page 265, line 2, strike subparagraph (C).

Page 265, beginning on line 3, strike ''how,'' and all that follows through ''system'' and insert ''if applicable, how''.

Page 265, line 7, insert before the semicolon the following: ''in developing and implementing a teacher evaluation system''.

Page 265, line 9 through line 12, strike subparagraph (E).

Page 265, beginning on line 13, amend paragraph (2) to read as follows:

''(2) If applicable, a description of how the local educational agency will develop and implement a teacher or school leader evaluation system.''.

Page 265, line 25, strike ''subpart'' and all that follows through ''shall use such funds'' on page 266, line 1, and insert ''subpart may use such funds for''.

Page 266, line 2, strike ''(A) to develop and implement'' and insert ''(1) the development and implementation of''.

Page 266, line 3, insert ''may'' after ''that''.

Page 266, line 4, strike ''(i) uses'' and insert ''(A) use''.

Page 266, line 10, strike ''(ii) uses'' and insert ''(B) use''.

Page 266, line 12, strike ''(iii) has'' and insert ''(C) have''.

Page 266, line 14, strike ''(iv) shall'' and insert ''(D)''.

Page 266, line 17, strike ''(v) is'' and insert ''(E) be''.

Page 266, line 20, strike ''or''.

Page 266, line 21, strike ''(B)'' and insert ''(2)''.

Page 266, line 23, strike ''to implement'' and insert ''implementing''.

Page 266, line 24, strike ''and''.

Page 266, strike line 25.

Page 267, line 1, strike ''(A)'' and insert ''(3)''.

Page 267, line 3, insert ''or school leaders'' before ''under''.

Page 267, line 3, strike ''evaluation system described'' and insert ''or school leader evaluation system,''

Page 267, strike line 4.

Page 267, line 6, strike ''(B)'' and insert ''(4)''.

Page 267, line 10, strike ''(C)'' and insert ''(5)''.

Page 267, line 15, strike ''(D)'' and insert ''(6)''.

Page 267, line 18, strike ''(i)'' and insert ''(A)''.

Page 267, line 20, strike ''(ii)'' and insert ''(B)''.

Page 267, line 22, strike ''(iii)'' and insert ''(C)''.

Page 268, line 3, strike ''(iv)'' and insert ''(D)''.

Page 268, line 9, strike ''(v)'' and insert ''(E)''.

Page 268, line 13, strike ''(vi)'' and insert ''(F)''.

Page 268, line 16, strike ''(vii)'' and insert ''(G)''.

Page 268, line 20, strike ''(viii)'' and insert ''(H)''.

Page 268, line 4, insert ''or school leaders'' before ''identified''.

Page 268, line 6, insert ''or school leader'' before ''evaluation''.

Page 268, beginning on line 6, strike ''described in subparagraph (A) or (B) of paragraph (1)''.

Page 268, line 24, strike ''(E)'' and insert ''(7)''.

Page 269, line 5, strike ''(F)'' and insert ''(8)''.

Page 269, line 7, strike ''(G)'' and insert ''(9)''.

Page 269, beginning line 23, amend paragraph (3) to read as follows:

''(3) in the case of a local educational agency implementing a teacher or school leader evaluation system, the results of such evaluation system, except that such report shall not reveal personally identifiable information about an individual teacher or school leader; and''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Louisiana (Mr. SCALISE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. SCALISE. Mr. Chairman, the amendment I bring forward today deals specifically with reforms that many States have made. I will talk specifically about reforms that have been made in my great State of Louisiana, especially as it relates to teacher evaluation.

Specifically, what my amendment would do would be to remove the mandate that is in the legislation that requires States to adopt the Federal rule on teacher evaluation.

The reason I say that is not just because Louisiana has a highly successful teacher evaluation program that is working very well for the people of Louisiana, but in general, when you look at the successes that we've seen across the country as it relates to education reform, it has been State and local governments that have driven those great successes. That is because the States are the incubators, and our States and local governments are the most accountable to the parents who have most at stake in concern for the children's education.

The amendment specifically makes sure that there can be no mandate by the Federal Government, especially one that would override what is being done at the State level. I have seen very closely in my State—in fact, when I was in the State legislature, we passed some dramatic education reforms.

When you look at the city of New Orleans after Hurricane Katrina, before the hurricane, it was probably one of the most failed, corrupt public education systems in the Nation. Because we made reforms—not only at the State, but at the local level—where we created charter schools, we had so much innovation that now other States across the country are looking to what we did as a model for how to transfer or merge urban education.

Parents are actually much more involved in their children's education because they have a real stake, they have real choices to give their children, better educational opportunities, and I don't want to see that interfered with by anything that might come out of the Federal Government.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Thank you, Mr. Chairman.

As I discussed with Mr. SCALISE in the Rules Committee yesterday, I think this amendment is just a terrible, terrible idea. It would remove any and all requirements and proof of teacher effectiveness.

Effectively now, we have a measure called, Highly Qualified Teacher. We agree, most of us, that there are flaws in that, and it is an input-based criteria rather than an output-based criteria.

I cosponsor a bill with SUSAN DAVIS, the STELLAR Act, which would ensure that States have high-quality teacher evaluation systems in place after 3 years. We were worried, frankly, about what would happen during the 3 years. I offered and withdrew an amendment to at least have some basic reporting during this 3-year transition period.

What the Scalise amendment does is it gets rid of the end result of that 3-year period. It says we are going to go through an indefinite period with no reporting, no metrics, no assurance of quality.

Need I remind the gentleman from Louisiana that our U.S. taxpayers are, in part, paying the salaries of many teachers that are partially funded through IDEA special ed funds or through title I free and reduced lunch funds, not to mention the fact that these are the teachers, the most important person, and it is ruining the educational outcome for the child—the most important person in making sure the kids succeed. Here we are not only saying, look, I was worried about this 3-year transition period, but saying, forever, from now on, no reporting, no requirements on whether a teacher is high quality or not, no evaluations.

Look, it is hard to get evaluations right. I was in the private sector and we did employee evaluations every year and decided if some employees should be promoted if some didn't have a place in the organization. Do you know what? It is always hard, and there is no 100 percent right.

But to somehow say you shouldn't do it, you shouldn't evaluate your employees, is completely the wrong answer. Any private company that engages in that strategy is going to go out of business, just as schools that engage in that strategy in districts—and if the Federal Government encourages it and allows it as it does under this amendment—will be to the detriment of kids and do nothing more than actually make it less likely that good quality teachers will be in the classrooms for kids.

So I call upon my colleagues on both sides of the aisle to oppose this amendment.

Mr. SCALISE. Mr. Chairman, at this time, I would like to yield 1 minute to the gentleman from Minnesota (Mr. KLINE), the chairman of the committee.

Mr. KLINE. Mr. Chairman, I thank the gentleman for yielding.

This amendment will eliminate the requirement, the mandate, if you will, for States and school districts to develop teacher evaluations, but does not prevent them from developing these systems if they so choose.

States and local school districts are currently developing impressive and innovative teacher evaluation systems, and I applaud it. The Federal Government can support them in this endeavor, giving them the resources and the

flexibility to design systems to meet their particular local and unique needs.

Ultimately, Mr. Chairman, States and school districts need the flexibility to do the activities that will serve their students and teachers best. I, therefore, support the gentleman's amendment.

Mr. SCALISE. Mr. Chair, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I yield myself 2 minutes.

I rise in opposition to this amendment to remove the requirement that States and school districts implement teacher evaluation systems.

We put $17 billion into this system every year, and we ought to at least see if we can make sure that those who are responsible for implementing it have the opportunity to improve their skills, to improve their talents, to collaborate with one another so that they can improve the teacher and learning environment. That is the goal of the evaluations: to take the skills that teachers bring to the classrooms and see, in consultation with others, with the principals, with their peers in that school district, whether or not we can improve their skills to deliver the education that we know that our children need.

□ 1715

We know that all teachers are not of the same talent, but by having evaluations, you, in fact, have the ability to then raise the skills of those individuals. If you would travel the country, and if you would talk to younger teachers all across the country, they would tell you how excited they are about evaluation systems, how excited they are about the collaboration—about their working with one another. I have visited teachers in the process of doing that, in developing that information—in developing the skills and in watching one another teach and in presenting the various lesson plans and curriculums, and then weighing back and forth what was more effective and what was less effective, what they would change, and how they would do it differently the next time.

Under this legislation, under our legislation, we encourage local districts to do that. We want them to take control of it. We want teachers to be in the design of those systems. Yet now the idea that you would not require some evaluation of the people who are delivering this education is just to go back to a time when it didn't matter, I guess, who dropped out of school or who didn't thrive or who didn't do well—but that's not this economy; that's not our social structure; and that's not the desire and the hopes and aspirations of the parents and of the students in those schools. So I would hope that we would oppose this amendment and that we would defeat this amendment.

I reserve the balance of my time.

Mr. SCALISE. At this point, I yield 1 minute to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, the speaker on the other side on one of the other amendments said that this is not the level at which we should be making these decisions. There are some efforts, no matter how noble the goal may be, where this is not the level at which these decisions ought to be made.

I taught for 28 years and had multiple evaluations. They were all positive, but if I'd had any input that I'd wished to give, I could have easily accessed my school district, and I could have accessed the State, but if it were on the Federal level, I could fly and stand in front of the Johnson Building for weeks on end, and nobody in the Department of Education would care. The best evaluations come from parents, but parents have the same limitations of which I spoke. Their access on the Federal level is almost nonexistent.

The Scalise amendment does not eliminate evaluations. It says you do them in the proper way. You do them, and you clarify that States sometimes can have a better idea than we do. If that happens, States should have every opportunity to implement their better ideas. This eliminates the mandate. It provides flexibility. It promotes a better outcome.

Mr. SCALISE. I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

Mr. SCALISE. Mr. Chairman, in closing, I want to address a few of the points that were made by my friend from Colorado.

He said, ''It's hard to get evaluations right.''

I actually agree with him on that statement.

If that's the case, then the question we are posed with is: Who is best suited to evaluate teachers? Is it some unelected bureaucrat in Washington or is it a State or a locally elected official who is directly accountable to the parents of those children?

So we're not presented with some false choice of whether or not to evaluate teachers. As I pointed out, in the legislature in my State of Louisiana, they fought it out, and they actually passed a teacher evaluation program a few years ago that's doing well. It's actually getting good results. That's the kind of innovation we should be encouraging. We shouldn't have this idea that there is this ''one size fits all'' in Washington and that Washington knows best and that, if a State can do it better, too bad, that's its fault because the Federal Government wants to tell it how to evaluate its teachers.

I think we ought to trust the people who know best and who are most directly accountable to the parents of the students, and that's our State and local school boards. That's why this amendment says, if they've got a better way to evaluate teachers, they're the ones who are better suited to do it, not some unelected bureaucrat in Washington.

With that, I urge a ''yes'' vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT NO. 13 OFFERED BY MS. MOORE

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 113–158.

Ms. MOORE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 255, after line 7, insert the following:

''(C) APPLICABILITY.—

''(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to a fiscal year unless the Secretary certifies in writing to Congress for that fiscal year that the amount of funds allotted under subparagraph (A) to local educational agencies that serve a high percentage of students from families with incomes below the poverty line is not less than the amount allotted to such local educational agencies for fiscal year 2013.

''(ii) SPECIAL RULE.—For a fiscal year for which subparagraph (A) does not apply, the Secretary shall allocate to each State the funds described in subparagraph (A) according to the formula set forth in subsection (b)(2)(B)(i) of this section as in effect on the day before the date of enactment of the Student Success Act.

The Acting CHAIR. Pursuant to House Resolution 303, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chair, I rise today to offer an amendment, along with my colleagues FREDERICA WILSON from Florida and DANNY DAVIS of Illinois.

This amendment is straightforward. It is protective in nature, and it ensures that high poverty schools are not adversely affected by H.R. 5's proposed change in the funding allocation formula for teacher support and development under title II of the ESEA.

Now, if we don't adopt this amendment, we may inadvertently break a long bipartisan agreement that we've had regarding our fundamental need to ensure that our low-income students are not assigned less qualified teachers than their advantaged peers. The reality is that a school district serving students in poverty faces many challenges in recruiting and in retaining teachers as well as other qualified staff. I believe that the Rules Committee made this in order because it wanted the body to have an opportunity to meet this long bipartisan agreement.

H.R. 5, as current drafted, would totally eliminate the current formula, which focuses on funding students in poverty, and replaces it with a formula that equally weights poverty and population. As written, we have strong reason to fear that H.R. 5 would result in Federal dollars being siphoned from States and schools with the poorest students and awarded to the States and schools without similar levels of poverty.

Our amendment, again, simply requires that this change to the funding formula not be enacted if our fears are realized and if the Secretary of Education determines that such a change would reduce funding to districts serving students in poverty. This amendment would not add a penny to the cost of the bill. Our intention is only to safeguard the very teacher supports to help us close the achievement gaps for low-income students.

The bill we are considering today, H.R. 5, consistently backs away from our longstanding Federal commitment to direct funding to students with the greatest need, including those attending high poverty schools.

There are a lot of factors that affect a child's performance in school, and some of these we just can't control, but this is one thing that we can control—the level of quality of the people standing in front of our children.

I reserve the balance of my time.

Mr. ROKITA. Mr. Chairman, I rise to claim the time in opposition, but I do not intend to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. Mr. Chairman, as I read the gentlewoman's amendment, I see that it will protect title II funding to high poverty school districts.

Now, although the Student Success Act, which we are debating here on the House floor right now, funds school districts on an equal playing field—basing the formula on a 50 percent poverty and a 50 percent population ratio—it is important to protect funding to high poverty school districts. The amendment will not allow the new title II formula to go into effect until the Secretary certifies that funding to these school districts is protected at fiscal year 2013 levels and that new money allotted will be allocated on a 65 percent poverty and a 35 percent population formula.

The bottom line is that, in using these funds, the Student Success Act gives States and school districts the flexibility to decide how they want to spend their money. This is not our money. This is the property of the States and the States' residents. Funds flow over to the State and local levels so they can set their own priorities for programs that they want to fund to meet the needs of their students. This ensures superintendents, principals and teachers are the ones making funding decisions—not Washington bureaucrats or even the Secretary of Education—that benefit students. Public and private entities can also apply to the State, in partnership with school districts, for funds to run innovative programs focused on teacher and school leader preparation and development.

Although I disagree with the gentlewoman that the Student Success Act is a retreat—in fact, I think there is a very progressive set of reforms found in the Student Success Act—I do support her amendment, which protects funding for high poverty districts, and the Student Success Act, which gives districts the flexibility to use teacher funds in the way they think is best.

With that, I reserve the balance of my time.

Ms. MOORE. Mr. Chairman, I do want to thank the gentleman for his support.

I now yield to my colleague from Florida, FREDERICA WILSON.

Ms. WILSON of Florida. Mr. Chairman, I thank my friend from Wisconsin (Ms. MOORE) for her leadership and her passion for defending children. I urge my colleagues to support this amendment.

As an educator, as an elementary school principal and as a school board member, I can attest to a simple fact: that there is simply no factor that matters more for children's achievement than teacher quality. Teachers matter. Research consistently upholds this fact. Yet, in urban and rural areas alike, students in low-income areas are constantly assigned less qualified teachers than are their wealthier peers. These young minds are, quite simply, treated as experiments in little educational petri dishes. Let's stop experimenting with our children. Poor schools often face impossible prospects of recruiting teachers, and once teachers are finally recruited, educators often need additional resources and support to do their jobs effectively. The result is that students in poverty fall farther and farther behind, losing hope of ever catching up.

Mr. Chairman, this is a commonsense amendment that would ensure that title II changes under this bill would not be enacted if these changes pull funds away from schools serving students in poverty. This is not a partisan issue. There has been bipartisan consensus on the importance of teacher development in low-income areas for ages. A criterion for teacher development is so important. If it were not, it would hurt children in red States and children in rural areas as much as it would hurt children in blue States and children in urban areas.

I urge my Republican colleagues to take a stand for low-income children. Wherever they live, whoever represents them, please support this amendment.

Ms. MOORE. I yield back the balance of my time.

Mr. ROKITA. Mr. Chairman, in closing, again, I rise in support of this amendment.

I would say to the gentlelady from Florida, who just spoke, that this is not experimenting with our children. We are empowering parents, and we are empowering teachers so that the students can have better success. In my opinion, this is an evolution of our education policy.

In that same vein, the gentlewoman said that teachers matter. In that respect, I want to reiterate for this House those who have shown in writing their strong support for the Student Success Act, including: the American Association of School Administrators, the National School Boards Association, the Council of Chief State School Officers, the Council for American Private Education, the Association of Christian Schools International, Concerned Women for America, the National Association of Independent Schools, the National Alliance for Public Charter Schools, and the National Association of Charter School Authorizers.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

□ 1730

AMENDMENT NO. 14 OFFERED BY MR. BISHOP OF UTAH

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 113–158.

Mr. BISHOP of Utah. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 255, line 8 through page 256, line 17, strike subsection (c).

Page 256, line 18, strike ''(d)'' and insert ''(c)''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, in the Constitution, it established a specific relationship between the Federal Government and the States. It's called a duel sovereignty, and it asked people to be loyal not only to their State, but also to the Federal Government, as well. James Wilson, in talking about what they had done as a balance-of-power experiment, said that this system would work well as long as the two entities maintained a relationship like the solar system, like the planets, always traveling in their sphere and path, complementing each other, but never interfering with one another. His concern was that one of those entities might actually act like a comet and go off on its own path, actually running into any material or object in its way, and chaos and destruction would result from that.

The amendment I am wishing to propose here would eliminate a section that would allow a local school district

to circumvent their State, a school district which is a creation of the State. They would circumvent the State and make a deal with the Federal Government for any kind of grant or loan that they wish to accomplish and actually be required to report not to the State, but to the Federal Government and circumvent the State totally.

If a State, for example, were to want to have some limited involvement in a program, under the provision that is in this particular bill, it would be possible for a rogue district to violate that proposal or that policy of the State, make their own deal with the Federal Government, and enter into that agreement and report directly to them, causing not only to void the policy, but a great deal of confusion in the process, as well.

We have a deal that we can work easily with the States. The local districts, that is not in the purview of what it should be. It is definitely an extra-constitutional approach to it.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. I yield myself 2 minutes.

Mr. Chairman, I rise in opposition to this amendment offered by the gentleman from Utah. I just don't quite understand it.

If a State doesn't make application for various funds that are available under title II, I don't know why you would prohibit a district from doing so. I don't know the rationale for the State's decision not to make application, but that may have very little to do with the needs of a particular school district. In my State, it might be a large district like Los Angeles or it might be a small rural district in the northern corner of the State. If they feel that these funds would help them and they have a need for those, I don't know why and I don't know that we're interfering with any great relationship here between States and the Federal Government.

I don't pretend to be familiar with the exact governance in the State of Utah, but in California the districts are pretty darn autonomous and our county offices of education are very autonomous, and very often a county office will apply for these kinds of funds in an area of smaller school districts to bring them together to utilize those funds in the most efficient way to continue.

Most of title II is about the development of teachers and professional development.

I oppose this amendment. I think it just makes it much more difficult and more bureaucratic for local school districts. We've heard time and again here that these are the people who know best, so apparently they know better than the State officials, but we're going to let the State officials block them from doing what they know is best when they decide what is best is to try to access title II.

So I oppose this amendment, and I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the comments of the gentleman from California, but I have to take issue with them.

There is no State in which a local district or a State or a city or a county is autonomous to the State itself. States create those entities. They can add to them. They can eliminate them. They are responsible for them.

This is not an esoteric philosophical debate. There is a real situation in which this has happened, and in large part the base bill eliminates this from actually happening again in the future.

If I can quote from Education Week, there was a policy in which this Department of Education tried to circumvent the States.

> The Department of Education has responded with the announcement it will begin to offer separate policy terms to individual school districts—circumventing not just Congress, but also the authority of States to direct education.

In response to that, the superintendent from Virginia said that this move undermines the States.

The Commissioner from Colorado said that this would ''bypass'' State authority and result in ''unintended consequences.''

From the Secretary of Education in Pennsylvania:

> To allow districts to go directly to the Feds to get waivers, it would be difficult to see who is exactly responsible for accountability and reforms in their States. Districts are creatures of State government.

From Jennifer Marshall, she said this would create a ''client mentality.''

In fact, one of the publications said that this is a massive overreach by Washington into local school policy and a blatant disregard for State's education decisionmaking authority.

Here is the bottom line: the Federal Government can't change States; States can change local entities. It is an improper relationship for the local entities to be able to bypass a State. We should not have that.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I didn't say they were autonomous. I said that they operate nearly autonomous. I guess if the State wanted to rein them in in California and Utah, they would rein them in. But they make applications all the time for title II funds, and apparently California and Colorado may want to do something about that. That sounds like a State problem.

Mr. Chairman, I yield back the balance of my time.

Mr. BISHOP of Utah. The State reined them in, but it still should not be a part of the policy in this bill.

I ask for a favorable vote in removing this section that is extra-constitutional from the bill, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was agreed to.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent that my request for a recorded vote on amendment No. 12 be withdrawn to the end that the Chair put the question on the amendment de novo.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 113–158 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. YOUNG of Alaska.

Amendment No. 4 by Mr. LUETKEMEYER of Missouri.

Amendment No. 11 by Mr. MEEHAN of Pennsylvania.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. YOUNG OF ALASKA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Alaska (Mr. YOUNG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 263, noes 161, not voting 9, as follows:

[Roll No. 367]

AYES—263

Aderholt	Butterfield	Cooper
Amodei	Calvert	Costa
Andrews	Camp	Courtney
Bachus	Capps	Cramer
Barber	Capuano	Crowley
Barletta	Cárdenas	Cuellar
Barrow (GA)	Carney	Culberson
Bass	Carson (IN)	Cummings
Beatty	Cartwright	Daines
Becerra	Castor (FL)	Davis (CA)
Benishek	Castro (TX)	Davis, Danny
Bera (CA)	Chu	DeFazio
Bishop (GA)	Cicilline	DeGette
Bishop (NY)	Clarke	Delaney
Bishop (UT)	Clay	DeLauro
Blumenauer	Cleaver	DelBene
Bonamici	Clyburn	Denham
Bonner	Cohen	Dent
Brady (PA)	Cole	Deutch
Braley (IA)	Collins (NY)	Diaz-Balart
Brown (FL)	Connolly	Dingell
Brownley (CA)	Conyers	Doggett
Bustos	Cook	Doyle

Duckworth
Duffy
Edwards
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Fortenberry
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gerlach
Gibson
Gosar
Grayson
Green, Al
Green, Gene
Grijalva
Grimm
Gutiérrez
Hahn
Hanabusa
Hanna
Harper
Hastings (FL)
Heck (NV)
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Hudson
Huffman
Hunter
Israel
Issa
Jackson Lee
Jeffries
Jenkins
Johnson (GA)
Johnson, E. B.
Joyce
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kirkpatrick
Kuster
LaMalfa
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Marino
Matheson
Matsui
McCollum
McDermott
McGovern
McHenry
McIntyre
McMorris Rodgers
McNerney
Meadows
Meeks
Meng
Mica
Michaud
Miller (MI)
Miller, Gary
Miller, George
Moore
Moran
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Noem
Nolan
Nunes
Nunnelee
O'Rourke
Owens
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Rice (SC)
Richmond
Rooney
Ros-Lehtinen
Roybal-Allard
Ruiz
Runyan
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (WA)
Southerland
Speier
Stockman
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Tipton
Titus
Tonko
Tsongas
Turner
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watt
Waxman
Webster (FL)
Welch
Whitfield
Wilson (FL)
Yarmuth
Young (AK)

NOES—161

Alexander
Amash
Bachmann
Barr
Barton
Bentivolio
Bilirakis
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Collins (GA)
Conaway
Cotton
Crawford
Crenshaw
Davis, Rodney
DeSantis
DesJarlais
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Gardner
Garrett
Gibbs
Gingrey (GA)
Goodlatte
Gowdy
Granger
Graves (MO)
Griffin (AR)
Griffith (VA)
Guthrie
Hall
Harris
Hartzler
Hastings (WA)
Hensarling
Holding
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly (PA)
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Lankford
Latham
Latta
Long
Lucas
Luetkemeyer
Marchant
Massie
McCarthy (CA)
McCaul
McClintock
McKeon
McKinley
Meehan
Messer
Miller (FL)
Mulvaney
Murphy (PA)
Neugebauer
Nugent
Olson
Palazzo
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Roskam
Ross
Rothfus
Royce
Ryan (OH)
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Scott, Austin
Sensenbrenner
Sessions
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stewart
Stivers
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Upton
Wagner
Walberg
Walorski
Weber (TX)
Wenstrup
Westmoreland
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (FL)
Young (IN)

NOT VOTING—9

Ellison
Gohmert
Graves (GA)
Herrera Beutler
Holt
Horsford
McCarthy (NY)
Negrete McLeod
Pallone

□ 1806

Messrs. GRIFFITH of Virginia, HOLDING, DUNCAN of Tennessee, CASSIDY, KELLY of Pennsylvania, and GUTHRIE changed their vote from ''aye'' to ''no.''

Mr. STOCKMAN, Ms. SCHAKOWSKY, Ms. WASSERMAN SCHULTZ, Messrs. HUFFMAN, RUSH, RICE of South Carolina, SIRES, LIPINSKI, DANNY K. DAVIS of Illinois, DEFAZIO, AMODEI, HECK of Nevada, Mrs. LUMMIS, Messrs. BISHOP of Georgia, NUNNELEE, REED, TURNER, LOEBSACK, BRALEY of Iowa, HANNA, Ms. SPEIER, and Mr. BONNER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. LUETKEMEYER

The Acting CHAIR (Mr. HULTGREN). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 182, not voting 10, as follows:

[Roll No. 368]

AYES—241

Aderholt
Alexander
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barrow (GA)
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gabbard
Gallego
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lynch
Maffei
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Peters (CA)
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NOES—182

Andrews
Barber
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Garamendi
Garcia
Grayson
Green, Al
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman

Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Nolan
O'Rourke
Owens
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—10

Diaz-Balart
Ellison
Gutiérrez
Herrera Beutler
Holt
Horsford
McCarthy (NY)
Negrete McLeod
Pallone
Peters (MI)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1811

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. MEEHAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. MEEHAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 187, not voting 7, as follows:

[Roll No. 369]

AYES—239

Aderholt
Alexander
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Campbell
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gabbard
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Holding
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Ruiz
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NOES—187

Andrews
Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Israel
Jackson Lee
Jeffries
Jenkins
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Nolan
O'Rourke
Owens
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—7

Ellison
Herrera Beutler
Holt
Horsford
McCarthy (NY)
Negrete McLeod
Pallone

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1816

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ELLISON. Mr. Chair, on rollcall Nos. 367, 368, 369, I would have voted "yes" on 367; "yes" on 368; and "no" on 369.

AMENDMENT NO. 15 OFFERED BY MR. TONKO

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 113–158.

Mr. TONKO. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 260, line 15, strike ''95'' and insert ''85''.

Page 260, line 17, strike ''and''.

Page 260, after line 17, insert the following new paragraph:

''(2) reserve 10 percent of the grant funds to make subgrants in accordance with subsection (c); and''.

Page 260, line 18, strike ''(2)'' and insert ''(3)''.

Page 262, after line 20, insert the following new subsection:

''(c) STEM PROFESSIONAL DEVELOPMENT AND INSTRUCTIONAL MATERIALS GRANTS.—A State receiving a grant under section 2111 shall use the funds described in subsection (a)(2) to award grants, on a competitive basis, to nonprofit organizations, and other entities, with expertise and a demonstrated record of success in science, technology, engineering, and mathematics fields to enable such organizations and entities to develop and provide professional development and instructional materials to support elementary and secondary education for science, technology, engineering, and mathematics in the State.''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman

from New York (Mr. TONKO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. TONKO. Mr. Chairman, I thank the ranking member of the committee for the opportunity to have time to explain my amendment.

I was planning to offer an amendment today to strengthen the Federal commitment to STEM education, but I intend to withdraw my amendment and offer my robust support for the Democratic substitute which addresses many of my concerns and contains dedicated funding streams for STEM programs.

That being said, many schools already face shortages of science, technology, engineering, and math teachers; and these teachers often have inadequate opportunities for subject-specific professional development. Further, there is rarely an extensive curriculum available to support the teaching of these subjects, especially engineering education.

My amendment would have addressed these issues by committing existing funds under ESEA to support professional development of STEM education. I know firsthand the importance and value of a STEM education, having graduated from Clarkson University with a degree in mechanical and industrial engineering. I'm proud to represent New York's capital region, which serves as a shining example of what a robust investment in STEM education can produce.

In my district, companies like GE and GlobalFoundries, in addition to research centers like the Center for Nano Science and Engineering and RPI, lead the way in STEM jobs and education. These are well-paying, growth-oriented, cutting-edge occupations that ensure America remains competitive in the global marketplace.

As we work to speed up our economic recovery, we know that jobs in the future are going to rely heavily on professionals with a STEM education background. STEM education opportunities for students will spur American innovation through research and development. America has a proven track record of leading in new, innovative technologies, from the implementation of the car assembly line to the creation of the Internet. In order to remain a competitive global economic power of the 21st century, we must preserve a robust national commitment to STEM education.

The United States will have more than 1.75 million job openings in STEM-related occupations by 2018. Yet without a robust investment in the type of education and training these jobs require, there will be a significant shortage of qualified college graduates to fill these careers. The time to invest is now.

With that, Mr. Chair, I yield 2 minutes to my good friend and colleague from Massachusetts (Mr. KENNEDY), a very strong leader in promoting this issue.

Mr. KENNEDY. I thank my colleague from New York for yielding. I want to thank the ranking member for his work on the bill and for the continued leadership my colleague from New York has shown in STEM education, an issue that is particularly important for my district and the local workforce back home.

Mr. Chairman, I rise today in support of this bipartisan amendment and of the continued work that we need to do here in Congress to support and expand engineering education. This amendment would simply have taken advantage of existing title II funding to bring industry expertise from the STEM fields into the professional development we provide for our teachers. It reflects the goals of bipartisan legislation my colleague and I have introduced together, the Educating Tomorrow's Engineers Act, and reflects the underlying principle at the heart of the Elementary and Secondary Education Act, which we consider for reauthorization today—the fundamental equity and equality of opportunity in American education.

Engineering and technical skills across the STEM fields are going to be anchors of the 21st-century economy. The most rapidly growing sectors of our economy and our country's growth right now are the innovation sectors: advanced manufacturing, life sciences, information technology, and clean energy. Economists continue to predict expansive growth in these areas over the next decade—a very bright spot for our economic future.

It is the job of our schools to make sure that every child from every ZIP code has access to an education that prepares them to fully engage in this economy and become a productive member of our workforce. The more kids we educate in these fields and the better the education, the wider and deeper our prosperity will be.

While we withdraw this amendment today, we will continue to work with our colleagues on both sides of the aisle to strengthen our commitment to engineering education and to revitalize the workforces in our local communities by preparing today's students and tomorrow's workers for good jobs in the innovation sectors.

Mr. TONKO. Mr. Chair, I withdraw my amendment.

AMENDMENT NO. 16 OFFERED BY MRS. BROOKS OF INDIANA

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 113–158.

Mrs. BROOKS of Indiana. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 267, line 19, insert '', including for teachers of computer science and other science, technology, engineering, and mathematics subjects'' after ''teachers''.

Page 268, line 19, insert ''and teachers of computer science and other science, technology, engineering, and mathematics subjects'' after ''teachers''.

Page 276, line 16, insert ''computer science and other'' after ''including''.

Page 284, line 23, insert ''computer science and other'' after ''from''.

Page 366, line 5, strike ''academic subject specific programs'' and insert ''academic subject specific programs (including computer science and other science, technology, engineering, and mathematics programs)''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentlewoman from Indiana (Mrs. BROOKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Indiana.

Mrs. BROOKS of Indiana. Mr. Chairman, the Student Success Act is a good bill that creates necessary flexibility for States and local school boards to best serve their students. Mr. POLIS and I have an amendment that would simply make clarifying changes to H.R. 5. Our amendment adds computer science in title II, the teacher preparation title, and title III, the parental engagement title. This clarifies that Federal funds may be used to support the training and teaching of teachers of computer science and STEM subjects in K–12 education. Simply put, it allows Federal funds to be use for much-needed teacher professional development in computer science.

It doesn't cost taxpayers one additional penny, and it wouldn't impose any new mandates on States or localities. Instead, it simply provides the additional flexibility to educators as they choose how to spend their Federal education dollars. Even with the 7.6 percent national unemployment rate, thousands of jobs remain unfilled because our K–12 classrooms haven't provided ample opportunities to learn computer science.

The situation will become even more serious over the next few years. By 2020, it's expected that half of the 9.2 million U.S. STEM jobs, as we've heard just previously, will be in computing or IT-related. If we don't increase access to computer science education now, these jobs will either remain unfilled or employers will find workers overseas by exporting those jobs or importing the labor to fill them.

This amendment is supported by Computing in the Core, whose members include companies like Google, Microsoft, and Oracle, as well as the Information Technology Industry Council. This amendment will also help more women and minorities choose computer science as a career. In 2011, only 19 percent of Advanced Placement computer science test-takers were women, even though women represented 56 percent of AP test-takers overall. Only 25 percent of the computer science workforce was female, with just 3 percent of those being African American and 1 percent Latino.

Today, only nine States maintain computer science requirements to graduate from high school. One of the reasons more do not is because we

don't encourage our schools to use Federal funding to support teacher professional development specifically in computer science. This amendment remedies that fact.

Training a new generation of innovators requires a keen focus on the skills that will drive our 21st-century workforce. Computer science is one of those skills. Empowering our superintendents, principals, and educators to provide that robust, relevant, and effective computer science curriculum will ensure more students enter the workforce with the tools they need to succeed. It will help us close the gender and race gaps that have existed in this field for far too long.

Let's do everything we can to prepare our kids for success in tomorrow's technical-driven and information-driven economy. I ask my colleagues to stand with us and pass this amendment, and I reserve the balance of my time.

□ 1830

Mr. POLIS. Mr. Chairman, I claim time in opposition to the amendment, even though I'm not opposed.

The Acting CHAIR. Without objection, the gentleman from Colorado is recognized for 5 minutes.

There was no objection.

Mr. POLIS. Mr. Chairman, I rise today to support this amendment that I was pleased to work on with Representative BROOKS, which would clarify that Federal funds can be used for computer science education, particularly when it comes to teacher preparation and professional development to make sure that teachers have the skills and knowledge that they need to make sure that their students can receive the instruction they need to have jobs in the 21st century. This amendment is based on the Computer Science Education Act, which Representative BROOKS and I introduced earlier this year.

In today's knowledge-based economy, it's more important than ever to ensure our education system meets the demands of the 21st-century workforce. However, there's a fundamental mismatch between the jobs of the future and the skills that are available in many schools today. One of the places that we haven't kept up is computing and computer science.

There will be an estimated 1.4 million computing jobs by 2020, and it's one of the top 10 fastest growing major occupational groups. We will have even more jobs than we have computer science students to fill them. Without high-quality teachers to introduce students to computer science, our Nation's students won't even have the opportunity to have some of these jobs and explore this emerging and exciting field; and many of these jobs, frankly, will go overseas.

I'm pleased that Ranking Member MILLER has included computer science in the definition of STEM subjects in the Democratic substitute, which I strongly support. This amendment would make a corresponding change to the underlying bill to ensure that computer science will be treated similarly to other important academic areas. I think it highlights a commonsense adaptation of the way that we structure our professional development and expenditures to better align with the real need for making sure that kids have more exposure to computer science.

I urge my colleagues to support this amendment, which would provide flexibility and help prepare our Nation's students for the jobs of the future.

I yield back the balance of my time.

Mrs. BROOKS of Indiana. Mr. Chairman, may I inquire as to how much time I have remaining.

The Acting CHAIR. The gentlewoman has 2 minutes remaining.

Mrs. BROOKS of Indiana. I yield 1¾ minutes to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. Mr. Chairman, I rise to applaud my colleague's amendment, as well as the committee's work on this important issue.

The availability and mastery of STEM subjects really hold the key to a competitive future for America. Especially with our younger children, the opportunities that a STEM education hold are vast, no matter what the field.

So I was surprised to learn, as someone that's been working on increasing awareness for STEM education, that computer science is not recognized as a STEM subject. This is true, despite the fact that computer science is the highest paid college degree today, with the number of jobs available growing at twice the rate of the national average. In fact, by 2020, it is predicted that there will be more than 1.4 million jobs in the computing field. Yet only 2 percent of math and science students will graduate with a computer science degree—fewer students than a decade ago.

I am proud to say that Washington State has been at the forefront of this initiative, recently passing legislation to recognize coding as a core academic subject. We should be encouraging students and teachers in this area. It holds the key to our technological success as a Nation.

I urge my colleagues to adopt this amendment.

Mrs. BROOKS of Indiana. Mr. Chairman, I want to thank my friend, the gentleman from Colorado, for working with me on this amendment, as well as my colleague, Mrs. MCMORRIS RODGERS, for her thoughtful comments, particularly with respect to her State, and for their support on this issue. I believe this will go a long way towards guaranteeing our students are ready and that our teachers are ready to teach our students so they can be ready for that 21st-century job market.

I encourage all Members to support this bipartisan amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Indiana (Mrs. BROOKS).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 113–158.

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 311, line 4, strike ''and'' at the end.

Page 311, line 15, strike the period at the end and insert a semicolon.

Page 315, after line 15, insert the following:

''(H) the entity will ensure that each charter school provides substantive outreach to students from low-income families and other underserved populations in its plans to open new charter schools, replicate high-quality charter school models, or expand existing high-quality charter schools; and

''(I) the entity willl allow per pupil revenues to shared between local educational agencies to reflect split student enrollment in 2 or more part-time educational programs operated or authorized by different local educational agencies.''.

Page 315, line 22, strike ''schools.'' and insert the following:

''schools, which may include (1) paying costs associated with preparing teachers to ensure strong school starts; (2) purchasing instructional materials and implementing teacher and principal professional development programs; and (3) providing the necessary renovations and minor facilities repairs, excluding construction, to ensure a strong school opening or to meet the needs of increased student enrollment.''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, this amendment, as well as the underlying components of both the base bill as well as the Democratic substitute, is an opportunity to highlight the many successes that charter school and public school choice have brought to average students across the country.

Before I came to Congress, I founded two charter schools, and I served as superintendent of a charter school that serves English language learners and has four campuses across Colorado and New Mexico.

I am pleased to offer this amendment, which would ensure that charter schools are able to use Federal funds in a more flexible manner to ensure strong school foundations.

The Charter Schools Program is a critical lifeline in supporting public charter schools across the country. I want to thank Ranking Member MILLER and Chairman KLINE for working with me to support the replication and expansion of the very best charter schools and the emergence of new, transformational public charter school models that we can all learn from across public education.

As a recent Stanford CREDO study found, charter schools that are successful in producing strong academic

progress from the start tend to remain strong and successful schools over time, proving that this is a durable phenomenon. Unfortunately, we have heard from countless school principals that they don't have the flexibility to spend these startup grants on the areas that would actually help them the most, the areas that are most impactful for their students and faculty.

My amendment, which I am offering with Congressman PETRI, would allow charter schools that receive Federal funding through the Charter Schools Program to use their grant dollars for more vital and important startup costs, like professional development, teacher training, instructional materials, and minor facilities costs.

I remember when we were starting a charter school and we weren't able to use some of the charter startup funds on things like chairs and tables because they were considered capital equipment, and yet those were a real cost. And before the official enrollees start, you have to have chairs on that first day when kids arrive. This amendment will help make that happen.

This amendment also allows per-pupil revenue to be more portable in following the child by providing an assurance that when students are enrolled part time in one school and part time in another, the districts are able to share per-pupil revenue. This is important because, increasingly, kids are taking advantage of online programs offered by school districts as well as charter schools. This kind of hybrid education—sometimes entirely within a public school, sometimes within a charter school and a public school—and empowering the parents to be able to share and have a kid involved with both programs can, for many families, mean the best of both worlds, being able to have the social environment of the school along with the advantages of online learning at home.

This assurance will provide States with an incentive to provide more innovative funding models that expand learning opportunities and encourage hybrid education and the personalization of education for every child, including competency-based education.

Finally, this amendment would provide an assurance that charter schools are doing substantial outreach to low-income and underserved populations. We know that some high-performing charter schools are already leading on this issue, but we want to ensure that they continue to lead the way in providing access and choice for more families, and that all charter schools can do more to serve those who need the most help.

I want to thank Chairman KLINE and Ranking Member MILLER for working with me on this issue, and I urge my colleagues to support the amendment.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. POLIS. I yield to the gentleman.

Mr. GEORGE MILLER of California. Mr. Chairman, I want to commend the gentleman for his amendment and thank him for all of his work and leadership that he has brought to the committee on charter schools.

And I will vote for the amendment if the gentleman can say again five times ''starter charter startup funds.'' If you can say that really quickly five times, then I will vote for the amendment.

Mr. POLIS. I certainly enjoy talking about charter startup funds and chart school programs on the floor of the House at every opportunity to educate my colleagues on both sides of the aisle with what Ranking Member MILLER and Chairman KLINE already know about the important contributions that public charter schools have made to serve at-risk kids across the country.

I reserve the balance of my time.

Mr. ROKITA. Mr. Chairman, I rise to claim time in opposition, but I certainly do not intend to oppose.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. Mr. Chairman, I thank the gentleman from Colorado for offering this amendment, along with Mr. PETRI for his work on this amendment. It's another example of the fact that as we work through this process in committee and here on the House floor, there's a lot of opportunity for the bill to get better and for the language to get better. And I say that as just one of the authors.

I rise in support of this amendment, which clarifies some of the uses for charter school startup grants and ensures charter schools are reaching out to underserved populations so they may have an opportunity to attend a charter school.

Recently, I had the opportunity to visit the SENSE Charter School in my home State of Indiana. What I saw in the students there was, again, nothing short of young people who are reaching and exceeding their potential.

What that visit also showed—and I have seen it in other schools as well, including one right here in Washington, D.C. this week—is that when given the choice, parents will put their children in the school that best fits their educational needs. Choice works, and funding shouldn't be tied to any kind of cookie-cutter standards or programs. It should be about what works and what doesn't.

Parents know their children. As we've heard on the House floor all afternoon and into the evening, I dare anyone here in Washington to say, Mr. Chairman, that they know our children better than we do. They are the best to make the evaluation, not bureaucrats.

Charter schools level the playing field for children of all different socioeconomic backgrounds. They allow parents, regardless of their means, to get their children out of a school not meeting their needs and find an educational environment that fits their unique learning style.

The charter school startup grants are a critical resource to help open more charter schools to provide greater choice for students. So instead of throwing good money after bad on failed education bureaucracy, let's devote these funds to good programs to help prepare charter school teachers and classrooms to make a lasting difference in the lives of our children.

So once again, I appreciate both gentlemen's support for charter schools. I would urge the House to support the amendment and also to support the Student Success Act.

I yield back the balance of my time.

Mr. POLIS. Mr. Chairman, I yield myself such time as I may consume.

I want to be clear: while this amendment helps empower social entrepreneurs and charter school founders and charter school management organizations to serve more kids, it in no way addresses the major underlying flaws of this piece of legislation.

The piece of legislation and the underlying bill as a whole are an enormous step backward for accountability and transparency and, as amended on the floor, have taken an even further step back. For instance, with the Scalise amendment, which takes away all reporting requirements with regard to teacher quality, not only removing a Highly Qualified Teacher concept, not only abolishing any intervening accountability measures, but actually gets rid of the ultimate accountability of performance-based measures which are included in the initial Kline bill after 3 years, but have now been stripped out entirely. I have a bill, along with SUSAN DAVIS, the STELLAR Act, that would implement a similar concept of providing accountability for teachers.

In addition, the watering down of standards—I believe a better name for this underlying bill, in fact, would be A Race to the Bottom, because that's exactly what it risks producing in terms of districts not accounting for kids with disabilities, in terms of districts adopting standards that are not college and career ready.

I deeply appreciate working with Representative PETRI from the majority on this amendment, and I urge a ''yes'' vote on the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MS. VELÁZQUEZ

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 113–158.

Ms. VELAZQUEZ. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 351, after line 12, insert the following:

''(5) A description of the steps the applicant will take to target services to low-income students and parents.''.

Page 351, line 12, redesignate paragraph (5) as paragraph (6).

Page 353, line 23, strike ''and'' after the semicolon.

Page 354, line 2, strike the period and insert ''; and''.

Page 354, after line 2, insert the following:

''(K) conduct outreach to low-income students and parents, including low-income students and parents who are not proficient in English.''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, millions of children in our country are falling through the cracks. Every day, children sit in classrooms more worried about the emptiness in their stomachs, the dangers of their walk home, or the broken radiator in their freezing apartment than the lessons on the board.

Every afternoon, these children return home to families who do not know how to support their education. And every year these kids drop out of school, don't pass on to the next grade, or pass on without having been properly prepared.

The Family Engagement Centers established by this legislation will work to bring community-based organizations, school districts, educators, school administrators, and parents together to meet children's educational needs. This holistic approach focuses on preparing children for a bright future.

Family Engagement Centers face serious obstacles in reaching many parents, however. There is the single mother working two jobs, the parents who feel intimidated by algebra or literature because they were never taught those subjects, and millions of immigrant families who work hard every day but have trouble deciphering the notices schools send home.

□ 1845

My amendment ensures that Family Engagement Centers work on reaching these low-income students and parents and that they reach out to students and parents that lack the resources that other families have, especially those that might have difficulty communicating with educators and school administrators.

The blame for our failing schools cannot be placed on our students. They are too preoccupied with the violence that might meet them on the street corner or thoughts of meals that never come to focus on letters and numbers. The blame lies with the system, a system too overwhelmed to worry about our children. That is unacceptable.

When parents don't have the resources to engage, don't feel comfortable engaging, or cannot engage without the help of a translator, it is difficult to encourage them to participate in their child's education. You can walk into virtually any community and find families in this situation. These families want to see their children live the American Dream, but they feel they cannot help or they have trouble communicating in a system that doesn't speak their language.

My amendment helps bring these families into the mix so that education becomes a 24/7 goal. When parents and schools work together, education is no longer something a child does for a few hours during weekdays. It is a constant process reinforced by everyone around them.

We all know it takes a village to raise a child. Family Engagement Centers help to bring that together and focus on the needs of the child. My amendment ensures that villagers and children aren't left out because they do not have the same resources or speak the same language as the rest of the village.

I reserve the balance of my time.

Mr. ROKITA. Mr. Chairman, I rise to claim time in opposition, but I do not intend to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. Mr. Chair, I am supportive of this amendment, which merely adds a requirement for grantees under the Family Engagement Centers to conduct outreach to low-income families, as I understand the gentlelady's presentation.

The intent of this program is to help parents better engage with their students to increase their academic achievement. I certainly support these centers reaching out to low-income families to help them.

I appreciate my colleague's effort on this provision, and I urge support of the amendment, as well as the entire Student Success Act.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield the remainder of my time to the ranking member.

Mr. GEORGE MILLER of California. I want to commend you so much for offering this amendment. In touring schools my entire time in Congress and talking to parents and talking to school officials where we have these kinds of resources available to engage parents, the outcomes of the students are very often dramatically improved. The participation by the parents is dramatically improved. The participation by the parents at home with the students is changed in a very dramatic fashion.

Just recently, in the North Bay in the San Francisco area up in Napa County, the participation of the parents with English learning students who are in kindergarten with the use of an iPad and getting the parents to come together and understand this technology, how it could help their children learn English, how it could help them learn English, and then imparting with the parents that they could also use it for job search, the engagement was just phenomenal, and these students continue to soar as they now are in the third grade.

So these kinds of possibilities where you bring parents and get that kind of involvement, it changes it so much. Helms Middle School in my district, we not only tore it down and rebuilt it, but we made it a community school with family engagement, and there are parents on that campus all of the time engaged with their kid's education, with their neighbor's kid's education, and their own education.

I really commend you. I think this is a very important amendment as we seek to have parents involved in schools, and thank you so much.

Mr. ROKITA. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. MULLIN

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 113–158.

Mr. MULLIN. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 373, lines 11 through 22, strike paragraph (1), and redesignate the succeeding paragraphs accordingly.

Page 391, beginning on line 12, strike ''agencies'' and all that follows through page 392, line 20, and insert ''agencies).''

Page 394, beginning on line 17, amend section 406 to read as follows:

SEC. 406. CONSTRUCTION.

Section 8007 (20 U.S.C. 7707) is amended to read as follows:

''SEC. 8007. CONSTRUCTION.

''(a) SCHOOL FACILITY EMERGENCY AND MODERNIZATION GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From 100 percent of the amount appropriated for each fiscal year under section 8014(e), the Secretary—

''(A) shall award emergency grants in accordance with this subsection to eligible local educational agencies to enable the agencies to carry out emergency repairs of school facilities; and

''(B) shall award modernization grants in accordance with this subsection to eligible local educational agencies to enable the agencies to carry out the modernization of school facilities.

''(2) PRIORITY.—In approving applications from local educational agencies for emergency grants and modernization grants under this subsection, the Secretary shall give priority to applications in accordance with the following:

''(A) The Secretary shall first give priority to applications for emergency grants from local educational agencies that meet the requirements of paragraph (3)(A) and, among such applications for emergency grants, shall give priority to those applications from local educational agencies based on the severity of the emergency, as determined by the Secretary.

''(B) The Secretary shall next give priority to applications for modernization grants from local educational agencies that meet the requirements of paragraph (3)(B) and,

among such applications for modernization grants, shall give priority to those applications from local educational agencies based on the severity of the need for modernization, as determined by the Secretary.

''(3) ELIGIBILITY REQUIREMENTS.—

''(A) EMERGENCY GRANTS.—A local educational agency is eligible to receive an emergency grant under paragraph (2)(A) if—

''(i) the agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, the agency's fiscal agent)—

''(I) has no practical capacity to issue bonds; or

''(II) has minimal capacity to issue bonds and is at not less than 75 percent of the agency's limit of bonded indebtedness; or

''(ii) the agency is eligible to receive assistance under subsection (a) for the fiscal year 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.

''(B) MODERNIZATION GRANTS.—A local educational agency is eligible to receive a modernization grant under paragraph (2)(B) if—

''(i) the agency receives a basic support payment under section 8003(b) for the fiscal year; or

''(ii) the agency receives a Federal properties payment under section 8002 for the fiscal year.

''(C) RULE OF CONSTRUCTION.—For purposes of subparagraph (A)(i), a local educational agency—

''(i) has no practical capacity to issue bonds if the total assessed value of real property that may be taxed for school purposes is less than $25,000,000; and

''(ii) has minimal capacity to issue bonds if the total assessed value of real property that may be taxed for school purposes is at least $25,000,000 but not more than $50,000,000.

''(4) AWARD CRITERIA.—In awarding emergency grants and modernization grants under this subsection, the Secretary shall consider the following factors:

''(A) The ability of the local educational agency to respond to the emergency, or to pay for the modernization project, as the case may be, as measured by—

''(i) the agency's level of bonded indebtedness;

''(ii) the assessed value of real property per student that may be taxed for school purposes compared to the average of the assessed value of real property per student that may be taxed for school purposes in the State in which the agency is located;

''(iii) the agency's total tax rate for school purposes (or for capital expenditures, if applicable) compared to the average total tax rate for school purposes (or the average capital expenditure tax rate, if applicable) in the State in which the agency is located; and

''(iv) funds that are available to the agency, from any other source, including subsection (a), that may be used for capital expenditures.

''(B) The percentage of property in the agency that is nontaxable due to the presence of the Federal Government.

''(C) The number and percentages of children described in subparagraphs (A), (B), (C), and (D) of section 8003(a)(1) served in the school facility with the emergency or served in the school facility proposed for modernization, as the case may be.

''(D) In the case of an emergency grant, the severity of the emergency, as measured by the threat that the condition of the school facility poses to the health, safety, and well-being of students.

''(E) In the case of a modernization grant—

''(i) the severity of the need for modernization, as measured by such factors as—

''(I) overcrowding, as evidenced by the use of portable classrooms, or the potential for future overcrowding because of increased enrollment; or

''(II) the agency's inability to utilize technology or offer a curriculum in accordance with contemporary State standards due to the physical limitations of the current school facility; and

''(ii) the age of the school facility proposed for modernization.

''(5) OTHER AWARD PROVISIONS.—

''(A) GENERAL PROVISIONS.—

''(i) LIMITATIONS ON AMOUNT OF FUNDS.—

''(I) IN GENERAL.—The amount of funds provided under an emergency grant or a modernization grant awarded under this subsection to a local educational agency that meets the requirements of subclause (II) of paragraph (3)(A)(i) for purposes of eligibility under subparagraph (A) or (B) of paragraph (3)—

''(aa) shall not exceed 50 percent of the total cost of the project to be assisted under this subsection; and

''(bb) shall not exceed $4,000,000 during any 4-year period.

''(II) IN-KIND CONTRIBUTIONS.—A local educational agency may use in-kind contributions to meet the matching requirement of subclause (I)(aa).

''(ii) PROHIBITIONS ON USE OF FUNDS.—A local educational agency may not use funds provided under an emergency grant or modernization grant awarded under this subsection for—

''(I) a project for a school facility for which the agency does not have full title or other interest;

''(II) stadiums or other school facilities that are primarily used for athletic contests, exhibitions, or other events for which admission is charged to the general public; or

''(III) the acquisition of real property.

''(iii) SUPPLEMENT, NOT SUPPLANT.—A local educational agency shall use funds provided under an emergency grant or modernization grant awarded under this subsection only to supplement the amount of funds that would, in the absence of the Federal funds provided under the grant, be made available from non-Federal sources to carry out emergency repairs of school facilities or to carry out the modernization of school facilities, as the case may be, and not to supplant such funds.

''(iv) MAINTENANCE COSTS.—Nothing in this subsection shall be construed to authorize the payment of maintenance costs in connection with any school facility modernized in whole or in part with Federal funds provided under this subsection.

''(v) ENVIRONMENTAL SAFEGUARDS.—All projects carried out with Federal funds provided under this subsection shall comply with all relevant Federal, State, and local environmental laws and regulations.

''(vi) CARRY-OVER OF CERTAIN APPLICATIONS.—A local educational agency that applies for an emergency grant or a modernization grant under this subsection for a fiscal year and does not receive the grant for the fiscal year shall have the application for the grant considered for the following fiscal year, subject to the priority requirements of paragraph (2) and the award criteria requirements of paragraph (4).

''(B) EMERGENCY GRANTS; PROHIBITION ON USE OF FUNDS.—A local educational agency that is awarded an emergency grant under this subsection may not use amounts under the grant for the complete or partial replacement of an existing school facility unless such replacement is less expensive or more cost-effective than correcting the identified emergency.

''(6) APPLICATION.—A local educational agency that desires to receive an emergency grant or a modernization grant under this subsection 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 the following:

''(A) A description of how the local educational agency meets the award criteria under paragraph (4), including the information described in clauses (i) through (iv) of paragraph (4)(A) and subparagraphs (B) and (C) of paragraph (4).

''(B) In the case of an application for an emergency grant—

''(i) a description of the school facility deficiency that poses a health or safety hazard to the occupants of the facility and a description of how the deficiency will be repaired; and

''(ii) a signed statement from an appropriate local official certifying that a deficiency in the school facility threatens the health or safety of the occupants of the facility or that prevents the use of all or a portion of the building.

''(C) In the case of an application for a modernization grant—

''(i) an explanation of the need for the school facility modernization project;

''(ii) the date on which original construction of the facility to be modernized was completed;

''(iii) 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; and

''(iv) 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.

''(D) A description of the project for which a grant under this subsection will be used, including a cost estimate for the project.

''(E) A description of the interest in, or authority over, the school facility involved, such as an ownership interest or a lease arrangement.

''(F) Such other information and assurances as the Secretary may reasonably require.

''(7) REPORT.—

''(A) IN GENERAL.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate congressional committees a report that contains a justification for each grant awarded under this subsection for the prior fiscal year.

''(B) DEFINITION.—In this paragraph, the term 'appropriate congressional committees' means—

''(i) the Committee on Appropriations and the Committee on Education and the Workforce of the House of Representatives; and

''(ii) the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate.''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Oklahoma (Mr. MULLIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. MULLIN. Mr. Chair, first of all, I would like to thank Chairman KLINE for his work on this bill and for working with my office on several provisions that affected the Impact Aid Program. I believe this bill goes a long way to improving the Impact Aid Program. I would like to thank the chairman for including the provisions related to the destruction of records in a manager's amendment and working with my office on a provision related to heavily impacted school districts.

My amendment would strike the language in the bill that would make payment to a school district if two districts consolidated and one or both were eligible for payments as an individual local education agency but not when consolidated. Basically, this provision would make the ineligible consolidated schools and the districts be eligible to receive funding. This requires already limited funds to stretch even farther.

Additionally, this amendment would remove the text allowing school districts to adjust their student accounts midyear. By allowing midyear adjustments, it puts a strain on those administrating the funds which could lead to delay in the payments to our school districts. Currently, schools are allowed to adjust their student accounts only annually.

Finally, this amendment would take the current construction program and make it solely a competitive grant program. Currently, the program fluctuates between an apportion fund to school districts and a competitive grant program. While making the program completely a competitive grant program, we would be allowing school districts to be awarded based on needs versus just giving them funds on an annual basis.

However, I am willing to withdraw my amendment and would just simply ask the chairman to continue to work with me in the future on this issue.

Mr. Chair, I withdraw my amendment.

AMENDMENT NO. 20 OFFERED BY MR. GARRETT

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 113–158.

Mr. GARRETT. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 475, after line 19, insert the following new section:

''SEC. 5530. PROHIBITION ON REQUIRING STATE PARTICIPATION.

''Any State that opts out of receiving funds, or that has not been awarded funds, under one or more programs under this Act shall not be required to carry out any of the requirements of such program or programs, and nothing in this Act shall be construed to require a State to participate in any program under this Act.''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT. Mr. Chair, I wish to thank Chairman KLINE for his leadership on the legislation today and on the entire issue that he brings before Congress now.

Chairman KLINE has three notable goals when drafting the Student Success Act: restoring local control, reducing the Federal footprint, and empowering parents as well. He has succeeded in crafting a bill that works towards all these goals.

For too long now, all across this Nation, parents, teachers, and administrators, the people that are closest and most directly responsible for our students, have spent their time fighting Federal education mandates rather than doing what we want them to do, which is focusing exclusively on teaching our students. Growing Federal intrusion into the American education system has been an unmitigated failure which has not improved students' achievement.

To that end, I have now worked with the chairman to include language in the manager's amendment that clarifies that States are not required to accept Federal funds and the Federal mandates that are tied to them, so they are free to engage in the activity they need to.

Additionally, the language clarifies that States are not required to participate in any of the Federal education programs. This language and the Student Success Act, as a whole, recognizes the American commitment to the principles of federalism, which allows for competition and innovation.

I thank Chairman KLINE for his leadership and for helping stem the Federal intrusion into our American education system.

At this time, I would like to yield 30 seconds to Mr. ROKITA.

Mr. ROKITA. Mr. Chairman, I thank the gentleman from New Jersey for his language. I think this is a good amendment and was pleased to incorporate it into the manager's amendment.

Too often we hear concerns that States have to participate in these programs or have to comply with unfair rules. This amendment will clearly establish the rights of States to opt out of the programs and further clarify that States cannot be forced to participate in any program.

Mr. GARRETT. Mr. Chair, at this time, I would like to withdraw my amendment and urge my colleagues to support the underlying Student Success Act.

AMENDMENT NO. 21 OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 113–158.

Mr. BROUN of Georgia. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 481, line 19, strike ''and''.

Page 481, line 22, strike the period and insert ''; and''.

Page 481, after line 22, insert the following:

''(D) the average salary of the employees described in subparagraph (B) whose positions were eliminated; and

''(E) the average salary of the full-time equivalent employees who work on or administer a program or project authorized under this Act by the Department, disaggregated by employee function with each such program or project.''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, as my colleagues know, I believe in the Constitution as our Founding Fathers meant it to be: limited government, with enumerated powers of all branches of government, the Congress and every branch.

As a result, I don't believe there is a Federal role in education at all. These powers ought to belong to the States and to the people. Parents and teachers should direct the education of the children, not the Federal Government.

Since 1965, the Federal Government has spent a total of $2 trillion. Unfortunately, this big Federal role in education has resulted in mandate after mandate and regulation after regulation being forced upon school superintendents, principals, teachers, parents, and students with little measurable gain in quality of education.

The underlying bill reduces the burden which came out of No Child Left Behind. I call it No Teacher Left Unshackled. I don't believe that it goes far enough, but I can appreciate the movement away from total Federal control, slight though it may be.

That being said, the final say on many education issues will remain in the hands of what I like to call ''fat cat bureaucrats'' here in Washington, D.C., men and women within the Department of Education who pull in an average salary of over $101,000 a year despite the fact that many of them have never taught a child how to read. That is twice the average salary of teachers in my home State of Georgia.

Why is this a problem? I am sure that many of these bureaucrats are considered to be experts, so-called experts in the field of education, but they don't know the individual needs of each community, school, or student. The parents, teachers, and students who are subject to their requirements don't know much about them either.

My amendment would change all that. It would require the Secretary of Education to include in the reporting that is requested by the underlying bill the average salaries of employees whose positions are eliminated due to program consolidation, as well as the average salaries of the remaining employees in the Department according to their job function.

My amendment would simply bring needed transparency to the Department. Hopefully, it will begin the discussion about how scarce education dollars ought to be spent.

I urge my colleagues to support this simple amendment, an amendment of transparency, and I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I claim time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chair, I rise in opposition to this amendment.

This is some kind of political exercise. I don't know what the value of this is to the public. It is to take Federal officials in the Department of Education, including the Secretary, and somehow going to create a lot of makework for them. I think it is unnecessary. I don't quite understand the theory behind it.

There is program consolidation going on, so we are going to learn the average wage of the people whose jobs were unfortunately, I guess because of sequestration at the moment, eliminated, and I don't know how that will help the education of the young children. Then we are going to figure out the average salary.

All this information is available to the Appropriations Committee. It is a matter of public record. It is available to the public. But we will go through some kind of computation then, those who are left making more than $100,000. I really don't know, again, what this has to do with the education of young children across this Nation.

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Again, I know we had to pass an amendment to say this, but it's already the law. There is nothing that requires any State, any school district to accept these programs. You have to sign up. You have to make applications for programs. If you don't make applications, you don't get them. This isn't forced down your throat. It's very hard to make sense out of this amendment.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. GEORGE MILLER of California. I would be happy to yield to the gentleman.

Mr. BROUN of Georgia. I appreciate it.

The purpose of this is just transparency so that American citizens can know exactly what's going on.

Mr. GEORGE MILLER of California. In reclaiming my time, I understand transparency when it's of value. I understand transparency when it's directed to a specific purpose. This is transparency in the sense that the general knowledge of these wages is a matter of public record, as your salary and my salary are a matter of public record.

When you get it all compiled, then what are you going to do—send out notices to everybody in the United States as to where this resides and how they can get ahold of it? Put it online? That's what you're going to spend your money doing? It's already available. They can look up somebody in the Department of Education at any time.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. GEORGE MILLER of California. I would be happy to yield to the gentleman.

Mr. BROUN of Georgia. Thank you. I appreciate it.

The purpose is, as we consolidate programs, we have all of these employees in the Department of Education who are going to lose a lot of their function. As we do so, particularly with sequestration and with the scarce dollars in the Federal Government across the board, we need to know who is doing what and what they're being paid and what they're being paid for.

Mr. GEORGE MILLER of California. In reclaiming my time, why doesn't the Appropriations just tell the Congress the results of sequestration? They're involved in sequestration every day. Why don't they just file a report and tell the Congress and tell the public and put out a press release and tell the people, ''This is what happened''? Why do you have to mandate all of this sort of ''make work''? I thought the purpose was to try to eliminate unnecessary work for people.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. GEORGE MILLER of California. The gentleman has time remaining, and I don't have much time.

I would just say that, again, this really doesn't address the major concerns underlying this bill, and that is that this bill continues to let students down and that this amendment does nothing to ensure that students graduate from high school.

If you want to talk about serious transparency in this bill, students with disabilities become invisible in terms of the accountability by school districts as to how they're doing with their education and if education has been offered to them and if they've had a chance at assessment so they can demonstrate what they've learned. This legislation doesn't do that, and this amendment doesn't help that in terms of transparency.

It's some mindless transparency about the wages of government officials that's already transparent and all a matter of public record. It doesn't do anything about what the impact is of sequestration on the poorest schools in some of the poorest districts in the country—in trying to educate some of the poorest kids in this country, kids who need those additional resources. This bill grinds away on those, and this amendment doesn't change it.

This amendment doesn't change the block grants that now allow money to leave the public sector, to leave public schools that are in desperate need of these resources—taking care of the title I students and schools—and then send that off to the private sector.

So the transparency here is all wrong. The real transparency is what this legislation does, and the American people ought to understand how damaging this is to our local schools all across this country and how exceptionally damaging this legislation is to the poorest schools in our country and in our States and to the students who are going to those schools and who are trying to achieve a first-class education. That opportunity is being denied to them under this legislation.

I yield back the balance of my time.

Mr. BROUN of Georgia. Mr. Chairman, I inquire as to how much time I have left.

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. BROUN of Georgia. I yield 1 minute to my friend from Indiana (Mr. ROKITA).

Mr. ROKITA. I thank the gentleman for his amendment, and I rise in strong support of this amendment.

Mr. Chairman, this is an authorizing bill. This is the appropriate place to have this language and this discussion. In fact, it builds on language that is already in the bill. Of course, during the appropriations process, it is also a good time to have this discussion.

It strikes me that, if those entrusted to manage our Federal Government had effectively managed their resources, maybe something like sequestration, itself, wouldn't have alarmed so many of them. This amendment certainly wouldn't be necessary if there were responsible management of the bureaucracy. Manage your resources responsibly or Congress will have to. That's simply what this amendment does.

Mr. BROUN of Georgia. Mr. Chairman, I was interested in my good friend from California's comments.

He just very openly displayed the difference in philosophies between my friends on the other side and of many of us on this side, and that's a difference of opinion. My friends on the other side seem to think that the Federal Government needs to direct and be involved in everything with regard to human endeavor, though, constitutionally, we don't have the authority to do that.

This is an amendment that just asks for transparency so that, hopefully, we, the people across this country, can see who is doing what within the Department of Education. It just opens up the opportunity so that, as we do consolidate the various programs within the Department, we can see what the bureaucrats within the Department are being paid and what they're doing for that amount of money that they're receiving out of the Federal Treasury. We all need to be held accountable, we all need to be held responsible, and this is just a means of just—not adding work.

The gentleman said it's a ''do nothing'' amendment. He should support it then if it's a ''do nothing'' amendment. I don't understand why he so objects to it, and I hope that he will change his mind and support it. I have tremendous respect for my friend. I consider him a good friend. He has been a great Member of Congress, and he has fought very hard for his philosophy. Our philosophies just seem to be a little bit different.

I encourage all Members to support this transparency amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The amendment was agreed to.

Mr. ROKITA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. AMODEI) having assumed the chair, Mr. HULTGREN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 276h, and the order of the House of January 3, 2013, of the following Members on the part of the House to the Mexico-United States Interparliamentary Group:

Mr. MCCAUL, Texas, Chairman

Mr. DUFFY, Wisconsin

APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 276d and the order of the House of January 3, 2013, of the following Members on the part of the House to the Canada-United States Interparliamentary Group:

Mr. HUIZENGA, Michigan, Chairman

Mrs. MILLER, Michigan

ADJOURNMENT

Mr. ROKITA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Friday, July 19, 2013, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the second quarter of 2013 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 30 AND JUNE 2, 2013

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mario Diaz-Balart	5/30	6/2	Ireland		1,299.00		7,801.00				9,100.00
Hon. Henry Cuellar	5/30	6/2	Ireland		1,299.00		4,545.00				5,744.00
Hon. William Keating	5/30	6/1	Ireland		866.00		2,918.00				3,784.00
Janice Robinson	5/30	6/2	Ireland		1,299.00		1,354.00				2,653.00
Sarah Blocher	5/30	6/2	Ireland		1,299.00		1,354.00				2,653.00
Ed Rice	5/30	6/2	Ireland		1,299.00		1,354.00				2,653.00
Committee total					7,361.00		19,326.00				26,687.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. MARIO DIAZ-BALART, June 28, 2013.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ETHICS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2013

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. K. MICHAEL CONAWAY, Chairman, July 9, 2013.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2013

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate, and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. MICHAEL T. McCAUL, Chairman, June 25, 2013.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2013

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate, and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. CANDICE S. MILLER, Chairman, July 3, 2013.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2013

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate, and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DOC HASTINGS, Chairman, July 2, 2013.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2013

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. PETE SESSIONS, Chairman, July 8, 2013.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2013

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BILL SHUSTER, Chairman, July 10, 2013.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2013

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVE CAMP, Chairman, July 9, 2013.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2271. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Production of FHFA Records, Information, and Employee Testimony in Third-Party Legal Proceedings (RIN: 2590-AA51) received July 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2272. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Availability of Non-Public Information (RIN: 2590-AA06) received July 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2273. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Technical Amendments (RIN: 3133-AE20) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2274. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Reactive Blue 246 and Reactive Blue 247 Copolymers; Confirmation of Effective Date [Docket Nos.: FDA-2011-C-0344 and FDA-2011-C-0463] received July 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2275. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Dove Creek, Colorado) [MB Docket No.: 12-352] [RM-11686] received July 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2276. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Canadian Firearms Components Exemption (RIN: 1400-AD07) received July 10, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HUDSON (for himself, Mr. MCCAUL, Mr. THOMPSON of Mississippi, and Mr. RICHMOND):

H.R. 2719. A bill to require the Transportation Security Administration to implement best practices and improve transparency with regard to technology acquisition programs, and for other purposes; to the Committee on Homeland Security.

By Mr. SAM JOHNSON of Texas (for himself and Mr. BECERRA):

H.R. 2720. A bill to amend title II of the Social Security Act to provide for the treatment of death information furnished to or maintained by the Social Security Administration, and for other purposes; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Mr. HUFFMAN, and Mr. HINOJOSA):

H.R. 2721. A bill to provide subsidized employment for unemployed, low-income adults, provide summer employment and year-round employment opportunities for low-income youth, and carry out work-related and educational strategies and activities of demonstrated effectiveness, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ELLISON (for himself and Mr. RENACCI):

H.R. 2722. A bill to prohibit the Secretary of Labor from enforcing any requirement that consumer reporting agencies that serve

only as a secure conduit to data from State unemployment compensation agencies obtain and maintain an individual's informed consent agreement when verifying income and employment with such agencies, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGEL (for himself, Mr. FALEOMAVAEGA, Mr. SHERMAN, Mr. MEEKS, Mr. SIRES, Mr. CONNOLLY, Mr. DEUTCH, Mr. HIGGINS, Ms. BASS, Mr. KEATING, Mr. CICILLINE, Mr. GRAYSON, Mr. VARGAS, Mr. SCHNEIDER, Mr. KENNEDY, Mr. BERA of California, Mr. LOWENTHAL, Ms. MENG, Ms. FRANKEL of Florida, Ms. GABBARD, and Mr. CASTRO of Texas):

H.R. 2723. A bill to enhance security for facilities and personnel at United States diplomatic and consular posts abroad, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIFFIN of Arkansas (for himself, Mr. WOMACK, Mr. CRAWFORD, and Mr. COTTON):

H.R. 2724. A bill to exclude from gross income compensation provided for victims of the March 29, 2013, pipeline oil spill in Mayflower, Arkansas; to the Committee on Ways and Means.

By Mr. LANCE (for himself, Ms. ESHOO, Ms. MATSUI, Mr. ROGERS of Michigan, Mr. CÁRDENAS, Mr. WAXMAN, Mr. VALADAO, Mr. BARTON, Mr. FARR, Mr. BILIRAKIS, Mr. PETERS of California, and Mr. BURGESS):

H.R. 2725. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to exempt from sequestration certain user fees of the Food and Drug Administration; to the Committee on the Budget.

By Mr. MILLER of Florida:

H.R. 2726. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into contracts and agreements for the transfer of veterans to non-Department medical foster homes for certain veterans who are unable to live independently; to the Committee on Veterans' Affairs.

By Mr. MCKINLEY (for himself, Mrs. LUMMIS, Mr. GENE GREEN of Texas, and Mr. LOWENTHAL):

H.R. 2727. A bill to amend the Land and Water Conservation Fund Act of 1965 to provide that not less than 40 percent of amounts available from the fund under that Act shall be available for the Land and Water Conservation Fund State Assistance Program; to the Committee on Natural Resources.

By Mr. FLORES (for himself, Mr. CUELLAR, Mr. HASTINGS of Washington, Mr. LAMBORN, and Mrs. LUMMIS):

H.R. 2728. A bill to recognize States' authority to regulate oil and gas operations and promote American energy security, development, and job creation; to the Committee on Natural Resources.

By Mr. ADERHOLT (for himself, Mr. FARR, Mr. REICHERT, and Mr. DOGGETT):

H.R. 2729. A bill to amend title IV of the Social Security Act to provide for information comparisons for USDA Housing Assistance programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTWRIGHT (for himself, Mrs. NAPOLITANO, Mr. BRALEY of Iowa, Mr. SIRES, Mr. LEWIS, Mr. FATTAH, and Mr. SCOTT of Virginia):

H.R. 2730. A bill to amend title 49, United States Code, with respect to minimum levels of financial responsibility for the transportation of property, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BLACKBURN (for herself, Mr. COOPER, Mr. COHEN, Mr. ROE of Tennessee, Mr. FLEISCHMANN, Mr. COBLE, Mr. GUTHRIE, Mr. GOHMERT, Mr. DEUTCH, and Mr. FINCHER):

H.R. 2731. A bill to amend the Internal Revenue Code of 1986 to make permanent the rule providing 5-year amortization of expenses incurred in creating or acquiring music or music copyrights; to the Committee on Ways and Means.

By Mr. BURGESS:

H.R. 2732. A bill to amend the Internal Revenue Code of 1986 to provide for a waiver of minimum required distribution rules applicable to pension plans for 2013 and 2014; to the Committee on Ways and Means.

By Mr. CAMPBELL:

H.R. 2733. A bill to prohibit Fannie Mae and Freddie Mac from purchasing, the FHA from insuring, and the Department of Agriculture from guaranteeing, making, or insuring, a mortgage that is secured by a residence or residential structure located in a county in which the State has used the power of eminent domain to take a residential mortgage; to the Committee on Financial Services.

By Mr. CASSIDY (for himself and Mr. DANNY K. DAVIS of Illinois):

H.R. 2734. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Energy and Commerce.

By Mr. HUFFMAN (for himself, Mr. LAMALFA, Mr. THOMPSON of California, and Mr. LAMBORN):

H.R. 2735. A bill to direct the United States Sentencing Commission with respect to penalties for the unlawful production of a controlled substance on Federal property or intentional trespass on the property of another that causes environmental damage; to the Committee on the Judiciary.

By Mr. LARSEN of Washington (for himself and Mr. AMASH):

H.R. 2736. A bill to allow entities required to comply with orders or directives under the Foreign Intelligence Surveillance Act of 1978 to publicly report every 90 days certain aggregate information related to the compliance with such orders or directives; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS (for himself, Ms. NORTON, Mr. DOGGETT, Mr. RANGEL, Mr. ELLISON, Mr. PRICE of North Carolina, Mr. GRIJALVA, Ms. SHEA-PORTER, and Ms. DELAURO):

H.R. 2737. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for AmeriCorps educational awards; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Ms. BASS, Mr. BERA of California, Mr. BLUMENAUER, Ms. BONAMICI, Mr. BRALEY of Iowa, Ms. BROWN of Florida, Ms. BROWNLEY of California, Mrs. CAPPS, Mr. CAPUANO, Mr. CÁRDENAS, Ms. CHU, Mr. CICILLINE, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY, Mr. CONYERS, Mr. CROWLEY, Mr. DANNY K. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Ms. DELBENE, Mr. DEUTCH, Mr. DOGGETT, Ms. DUCKWORTH, Ms. EDWARDS, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Ms. ESTY, Mr. FARR, Mr. FOSTER, Ms. FRANKEL of Florida, Mr. GARAMENDI, Mr. GARCIA, Mr. GRAYSON, Mr. GRIJALVA, Mr. GUTIÉRREZ, Ms. HANABUSA, Mr. HASTINGS of Florida, Mr. HECK of Washington, Mr. HIGGINS, Mr. HOLT, Mr. HONDA, Mr. HUFFMAN, Mr. ISRAEL, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, Mr. KENNEDY, Mr. KILMER, Mrs. KIRKPATRICK, Ms. KUSTER, Mr. LARSEN of Washington, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS, Mr. LOEBSACK, Ms. LOFGREN, Mr. LOWENTHAL, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. MAFFEI, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MENG, Mr. GEORGE MILLER of California, Ms. MOORE, Mr. MORAN, Mr. MURPHY of Florida, Mr. NADLER, Ms. NORTON, Mr. O'ROURKE, Mr. PALLONE, Mr. PAYNE, Mr. PETERS of Michigan, Mr. PETERS of California, Ms. PINGREE of Maine, Mr. POCAN, Mr. POLIS, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. RANGEL, Mr. RUSH, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHNEIDER, Mr. SCOTT of Virginia, Mr. SHERMAN, Ms. SINEMA, Mr. SIRES, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SPEIER, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of California, Mr. TIERNEY, Ms. TITUS, Ms. TSONGAS, Mr. VAN HOLLEN, Mr. VEASEY, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WAXMAN, Mr. WELCH, Ms. WILSON of Florida, and Mr. YARMUTH):

H.R. 2738. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

By Ms. MATSUI (for herself, Mr. GUTHRIE, Mr. SMITH of Washington, and Mr. HUNTER):

H.R. 2739. A bill to require the reallocation and auction for commercial use of the electromagnetic spectrum between the frequencies from 1755 megahertz to 1780 megahertz; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCNERNEY (for himself, Mr. BISHOP of New York, Mr. PETERS of Michigan, and Mr. CARTWRIGHT):

H.R. 2740. A bill to amend the Internal Revenue Code of 1986 to provide for the identification of corporate tax haven countries and increased penalties for tax evasion practices in haven countries that ship United States jobs overseas, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. NOEM (for herself and Mr. CRAMER):

H.R. 2741. A bill to clarify that, with respect to each Missouri River mainstem reservoir of the Corps of Engineers located in a State, the State maintains authority to allocate and appropriate the quantity of water in the reservoir that is attributable to the natural flows of the Missouri River within the boundaries of the State, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. NOEM (for herself and Mr. CRAMER):

H.R. 2742. A bill to require the Army Corps of Engineers to notify the public of certain flood predictions regarding the Missouri River System, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. NUGENT:

H.R. 2743. A bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAULSEN (for himself and Ms. SLAUGHTER):

H.R. 2744. A bill to amend part E of title IV of the Social Security Act to better enable State child welfare agencies to prevent sex trafficking of children and serve the needs of children who are victims of sex trafficking, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER (for himself, Mr. WITTMAN, Mr. LAMBORN, Mr. KINGSTON, Mr. LATTA, Mr. GOSAR, Mrs. BLACK, Mr. MARCHANT, Mr. RAHALL, Mr. CULBERSON, Mrs. BACHMANN, Mr. WILSON of South Carolina, Mr. BILIRAKIS, Mr. DUNCAN of South Carolina, Mr. CONAWAY, Mr. JONES, Mr. ROGERS of Alabama, Mr. ALEXANDER, and Mr. DUNCAN of Tennessee):

H.R. 2745. A bill to amend title II of the Social Security Act to exclude from creditable wages and self-employment income wages earned for services by aliens illegally performed in the United States and self-employment income derived from a trade or business illegally conducted in the United States; to the Committee on Ways and Means.

By Mr. MCKINLEY (for himself, Mr. SESSIONS, Mr. BISHOP of Georgia, Mr. RAHALL, Mrs. CAPITO, Mr. THOMPSON of Pennsylvania, Mr. ROE of Tennessee, Mr. WALDEN, Mr. COLLINS of New York, Mr. BARLETTA, Mr. STIVERS, Mr. JOHNSON of Ohio, Mr. HENSARLING, Mr. FITZPATRICK, Mr. GRAVES of Missouri, Mr. SMITH of New Jersey, and Mr. ROHRABACHER):

H. Res. 305. A resolution expressing support for the 2013 Boy Scouts of America National Scout Jamboree in West Virginia; to the Committee on the Judiciary.

By Mr. STOCKMAN:

H. Res. 306. A resolution providing for the consideration of the resolution (H. Res. 36) establishing a select committee to investigate and report on the attack on the United States consulate in Benghazi, Libya; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

106. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 71 memorializing the Congress to pass H.R. 1014; to the Committee on the Budget.

107. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 85 urging the support for continuation of the STARBASE program; to the Committee on Education and the Workforce.

108. Also, a memorial of the Senate of the State of Nevada, relative to Senate Joint Resolution No. 5 urging the Congress to pass the Marketplace Fairness Act; to the Committee on Ways and Means.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HUDSON:

H.R. 2719.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1; and Article I, section 8, clause 18 of the Constitution of the United States

By Mr. SAM JOHNSON of Texas:

H.R. 2720.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. GEORGE MILLER of California:

H.R. 2721.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, 3, 18, of the Constitution of the United States; Article I, Section 9, Clause 7 of the Constitution of the United States.

By Mr. ELLISON:

H.R. 2722.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. ENGEL:

H.R. 2723.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution

By Mr. GRIFFIN of Arkansas:

H.R. 2724.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. LANCE:

H.R. 2725.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. MILLER of Florida:

H.R. 2726.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. MCKINLEY:

H.R. 2727.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Mr. FLORES:

H.R. 2728.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2

By Mr. ADERHOLT:

H.R. 2729.

Congress has the power to enact this legislation pursuant to the following:

Its ability to provide for the general welfare pursuant to Article 1, Section 8, Clause 1 and to make laws which are necessary and proper for carrying into execution the powers granted by Article 1, Section 8 as pursuant to Article 1, Section 8, Clause 18. This includes the power to enact laws that strengthen the management of federal housing assistance programs.

By Mr. CARTWRIGHT:

H.R. 2730.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 (relating to the power of Congress to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.)

By Mrs. BLACKBURN:

H.R. 2731.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. BURGESS:

H.R. 2732.

Congress has the power to enact this legislation pursuant to the following:

The attached bill is constitutional under Article I, Section VIII: ''The Congress shall have Power To lay and collect Taxes''.

By Mr. CAMPBELL:

H.R. 2733.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution of the United States.

By Mr. CASSIDY:

H.R. 2734.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. HUFFMAN:

H.R. 2735.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. LARSEN of Washington:

H.R. 2736.

Congress has the power to enact this legislation pursuant to the following:

As described in Article 1, Section 1 ''All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.''

By Mr. LEWIS:

H.R. 2737.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mrs. LOWEY:

H.R. 2738.

Congress has the power to enact this legislation pursuant to the following:

Article 1 of the Constitution.

By Ms. MATSUI:

H.R. 2739.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. MCNERNEY:

H.R. 2740.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution.

By Mrs. NOEM:

H.R. 2741.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14: To make Rules for the Government and Regulation of the land and naval Forces.

By Mrs. NOEM:

H.R. 2742.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14: To make Rules for the Government and Regulation of the land and naval Forces.

By Mr. NUGENT:

H.R. 2743.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution (clauses 1, 12, 13, 14, and 16), which grants Congress the power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; raise and support Armies; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. PAULSEN:

H.R. 2744.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

By Mr. ROHRABACHER:

H.R. 2745.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. SANFORD.

H.R. 32: Mr. PETERS of Michigan, Ms. KAPTUR, Mr. WOLF, Mr. ELLISON, Mr. RYAN of Ohio, Mr. CRENSHAW, Mr. LUETKEMEYER, Mr. TONKO, Mr. PETERSON, Ms. WILSON of Florida, Ms. MATSUI, and Mr. MEEKS.

H.R. 39: Mr. BUCHANAN.

H.R. 124: Mr. RUSH and Mr. COOPER.

H.R. 137: Mr. CONNOLLY.

H.R. 148: Mr. POCAN and Mr. LEVIN.

H.R. 198: Mr. WAXMAN.

H.R. 269: Ms. KUSTER.

H.R. 310: Ms. HAHN, Mr. VALADAO, and Mr. MURPHY of Florida.

H.R. 351: Mrs. KIRKPATRICK and Mr. SMITH of New Jersey.

H.R. 411: Mr. HUFFMAN.

H.R. 455: Mr. TAKANO and Mr. CROWLEY.

H.R. 495: Mr. RENACCI, Mr. ROONEY, Mr. ROGERS of Alabama, Mr. ROSS, Mr. LATTA, Mr. WOMACK, Mr. TURNER, and Mr. GRAVES of Georgia.

H.R. 515: Ms. SCHWARTZ.

H.R. 523: Mr. COOK.

H.R. 543: Mr. RUIZ.

H.R. 635: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 644: Mr. FRELINGHUYSEN.

H.R. 645: Ms. TSONGAS.

H.R. 647: Mr. MCINTYRE.

H.R. 649: Mr. HONDA.

H.R. 685: Ms. HANABUSA, Mr. GIBBS, Mr. PERLMUTTER, and Mr. CLAY.

H.R. 698: Mr. HIMES and Ms. CHU.

H.R. 719: Mr. POE of Texas and Mr. COBLE.

H.R. 778: Mr. WESTMORELAND.

H.R. 800: Mr. BILIRAKIS.

H.R. 813: Mr. STIVERS.

H.R. 846: Mr. HALL, Mr. AUSTIN SCOTT of Georgia, Mr. HUDSON, and Ms. CHU.

H.R. 850: Mr. WALZ and Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 905: Ms. ESTY.

H.R. 1000: Mr. NOLAN.

H.R. 1002: Ms. PINGREE of Maine and Ms. TSONGAS.

H.R. 1020: Mr. STIVERS and Mrs. ROBY.

H.R. 1024: Mr. DELANEY, Mr. DANNY K. DAVIS of Illinois, Mr. TIBERI, and Mr. COURTNEY.

H.R. 1040: Mr. BISHOP of Utah.

H.R. 1074: Ms. TITUS.

H.R. 1077: Mr. UPTON.

H.R. 1095: Mr. WESTMORELAND, Mr. ANDREWS, and Ms. BORDALLO.

H.R. 1104: Mr. COOPER.

H.R. 1146: Mr. MCINTYRE, Ms. SPEIER, Mr. COURTNEY, Mr. PETERSON, Mr. THORNBERRY, and Mr. ROGERS of Kentucky.

H.R. 1176: Mr. GIBBS.

H.R. 1226: Mr. YOUNG of Alaska.

H.R. 1250: Mr. CRAMER, Mr. MORAN, Mr. BARR, and Mr. NEAL.

H.R. 1254: Mr. OLSON.

H.R. 1263: Ms. SCHWARTZ.

H.R. 1276: Mr. DELANEY, Mrs. NAPOLITANO, and Ms. BROWN of Florida.

H.R. 1288: Mr. HANNA and Ms. HERRERA BEUTLER.

H.R. 1318: Ms. CASTOR of Florida.

H.R. 1339: Mr. ANDREWS.

H.R. 1343: Ms. KAPTUR.

H.R. 1354: Mr. LARSEN of Washington.

H.R. 1373: Mr. TIERNEY.

H.R. 1384: Mr. MCGOVERN and Mr. LOWENTHAL.

H.R. 1428: Mr. GIBSON and Mr. WEBSTER of Florida.

H.R. 1437: Ms. KAPTUR.

H.R. 1441: Mr. BARLETTA.

H.R. 1461: Mr. BENTIVOLIO, Mr. WILSON of South Carolina, Mr. NEUGEBAUER, Mr. CHABOT, Mr. LAMBORN, Mr. POSEY, Mr. FORBES, Mr. PITTENGER, Mr. STOCKMAN, Mr. FRANKS of Arizona, and Mr. ROE of Tennessee.

H.R. 1466: Mr. ELLISON.

H.R. 1518: Mr. LOWENTHAL.

H.R. 1553: Mr. BARLETTA and Mr. ROONEY.

H.R. 1563: Mrs. ELLMERS.

H.R. 1566: Mr. GRAYSON.

H.R. 1620: Mr. STIVERS.

H.R. 1696: Ms. TITUS.

H.R. 1698: Mr. PAYNE, Ms. LEE of California, Mr. DOGGETT, and Mr. LANGEVIN.

H.R. 1726: Mr. COLLINS of New York and Ms. ESTY.

H.R. 1727: Mr. BRALEY of Iowa.

H.R. 1732: Mr. ENYART.

H.R. 1748: Mr. ENYART.

H.R. 1771: Mr. AUSTIN SCOTT of Georgia.

H.R. 1772: Mr. FRELINGHUYSEN.

H.R. 1775: Mr. ENYART.

H.R. 1802: Mr. COURTNEY.

H.R. 1825: Mr. RADEL and Mr. NEUGEBAUER.

H.R. 1867: Mr. JOYCE and Mr. KEATING.

H.R. 1887: Mr. HUFFMAN.

H.R. 1910: Mr. HIGGINS.

H.R. 1920: Ms. PINGREE of Maine, Mr. NEAL, Ms. MOORE, and Ms. LORETTA SANCHEZ of California.

H.R. 1921: Mr. CONNOLLY.

H.R. 1985: Mr. ROGERS of Michigan.

H.R. 1988: Ms. SINEMA.

H.R. 1998: Mr. LOBIONDO.

H.R. 2000: Mr. CLYBURN, Mr. HIGGINS, Mr. DOGGETT, Ms. HAHN, and Mr. GALLEGO.

H.R. 2009: Mr. PEARCE.

H.R. 2016: Mrs. BACHMANN, Mr. HUIZENGA of Michigan, and Mr. AMASH.

H.R. 2019: Mr. SIMPSON and Mr. WHITFIELD.

H.R. 2041: Mr. YOUNG of Indiana, Mr. PETERSON, and Mrs. NOEM.

H.R. 2053: Mr. PAULSEN.

H.R. 2055: Mr. BENTIVOLIO and Ms. SINEMA.

H.R. 2064: Mr. STIVERS.

H.R. 2065: Ms. SINEMA.

H.R. 2066: Mr. ROYCE.

H.R. 2084: Mr. CRAMER.

H.R. 2116: Mr. TAKANO and Ms. PINGREE of Maine.

H.R. 2134: Mr. BRALEY of Iowa.

H.R. 2141: Ms. LEE of California.

H.R. 2160: Ms. KAPTUR.

H.R. 2169: Ms. SINEMA.

H.R. 2187: Mr. BARBER.

H.R. 2199: Ms. SHEA-PORTER.

H.R. 2207: Mr. JOYCE and Mr. KEATING.

H.R. 2210: Ms. SINEMA.

H.R. 2250: Mr. GIBSON and Mr. BUCSHON.

H.R. 2273: Mr. CAMP and Ms. MOORE.

H.R. 2305: Mr. HUNTER.

H.R. 2307: Mr. MCCAUL.

H.R. 2308: Ms. PINGREE of Maine.

H.R. 2310: Ms. SINEMA.

H.R. 2324: Mr. WAXMAN.

H.R. 2358: Ms. BORDALLO.

H.R. 2389: Mr. WESTMORELAND.

H.R. 2395: Mr. HORSFORD.

H.R. 2408: Mr. WESTMORELAND.

H.R. 2412: Ms. SINEMA.

H.R. 2415: Ms. MATSUI.

H.R. 2426: Mr. POLIS.

H.R. 2429: Mr. KELLY of Pennsylvania.

H.R. 2449: Mr. CASTRO of Texas, Mr. KING of New York, Mr. MESSER, Mr. SALMON, Ms. BASS, Mr. VARGAS, Mr. HIGGINS, and Mr. CICILLINE.

H.R. 2458: Mr. WESTMORELAND.

H.R. 2463: Mr. PETERSON.

H.R. 2476: Mr. BISHOP of New York.

H.R. 2480: Mr. PAYNE.

H.R. 2485: Ms. SINEMA.

H.R. 2511: Mr. FARENTHOLD.

H.R. 2547: Mr. WOMACK and Mr. PALAZZO.

H.R. 2549: Mr. ENYART.

H.R. 2575: Mr. DENT.

H.R. 2579: Mr. NUGENT and Mr. CRAMER.

H.R. 2585: Ms. KELLY of Illinois and Mr. RANGEL.

H.R. 2590: Ms. HAHN and Mr. WOLF.

H.R. 2592: Mr. PETERS of California.

H.R. 2615: Mr. GOSAR and Mr. AMODEI.

H.R. 2618: Mr. AL GREEN of Texas.

H.R. 2619: Mr. BARBER.

H.R. 2632: Ms. CHU.

H.R. 2633: Mr. ENYART, Ms. HAHN, Mr. LIPINSKI, Ms. MCCOLLUM, Mr. THOMPSON of Mississippi, Mr. CARSON of Indiana, Mr. BUTTERFIELD, and Mr. COHEN.

H.R. 2641: Mr. COLLINS of Georgia, Mr. CAPUANO, and Mr. PALLONE.

H.R. 2645: Mr. CAMP.

H.R. 2646: Mr. KILMER.

H.R. 2664: Mr. BRALEY of Iowa, Mr. CICILLINE, Mr. ELLISON, and Mr. DELANEY.

H.R. 2665: Ms. KELLY of Illinois.

H.R. 2679: Mrs. BLACK.

H.R. 2682: Mr. MARINO.

H.R. 2685: Mr. PETERS of California.

H.R. 2689: Mr. MURPHY of Florida and Mr. RIBBLE.

H.R. 2694: Mr. GARDNER, Mr. MURPHY of Florida, Mr. WELCH, and Mr. RIBBLE.

H.R. 2697: Mr. LOEBSACK, Mr. HUFFMAN, and Mr. TIERNEY.

H.R. 2717: Mr. GRIMM, Mr. WEBER of Texas, Mr. PRICE of Georgia, Mr. HOLDING, Mr. LAMBORN, Mr. STIVERS, Mr. SCHOCK, Mr. KING of New York, and Mr. RODNEY DAVIS of Illinois.

H.J. Res. 34: Mr. PASTOR of Arizona.

H. Con. Res. 17: Ms. KAPTUR.

H. Con. Res. 37: Ms. SINEMA.

H. Con. Res. 41: Mr. JONES, Mr. MORAN, Mr. BARBER, Mr. COOK, and Mr. BLUMENAUER.

H. Res. 10: Ms. KAPTUR.
H. Res. 36: Mr. ROHRABACHER.
H. Res. 89: Mr. LATHAM.
H. Res. 109: Ms. DELBENE.
H. Res. 118: Mr. ELLISON.
H. Res. 169: Mrs. WAGNER.
H. Res. 187: Mr. BRALEY of Iowa.
H. Res. 188: Mr. BRALEY of Iowa.
H. Res. 190: Mr. HIGGINS.
H. Res. 208: Mr. CUMMINGS and Ms. MCCOLLUM.
H. Res. 227: Mr. COLLINS of New York.
H. Res. 250: Mr. PEARCE.
H. Res. 282: Mr. BERA of California and Mr. HUFFMAN.
H. Res. 285: Mr. TONKO, Mr. ROSS, Ms. PINGREE of Maine, Mr. HOLT, Mr. THOMPSON of California, and Ms. LORETTA SANCHEZ of California.
H. Res. 293: Mrs. ELLMERS and Mr. HUFFMAN.
H. Res. 301: Mr. HIMES.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 580: Mr. MEEKS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submnitted as follows:

H.R. 2610

OFFERED BY MR. BENTIVOLIO

AMENDMENT NO. 1: Page 24, after line 24, insert the following (and redesignate any subsequent subsections accordingly):

(b) WITHHOLDING OF FUNDS.—

(1) STATE CERTIFICATION.—The Secretary shall withhold 10 percent of the amount required to be apportioned to any State under paragraph (a) unless the State certifies not later than September 30, 2013, that neither the State nor any municipal government therein employs an automated traffic enforcement system on a Federal-aid highway. No funds withheld under this section from apportionment to any State shall be available for apportionment to that State.

(2) DEFINITIONS.—For purposes of this section—

(A) the term 'automated traffic enforcement system' means equipment that takes a film or digital camera-based photograph which is linked with a system that can detect a moving infraction and synchronize the taking of a photograph with the occurrence of such an infraction; and

(B) the term 'moving infraction' means any violation of State or local traffic law or ordinance committed by the driver of a vehicle while it is in motion.

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PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159 WASHINGTON, THURSDAY, JULY 18, 2013 *No. 103*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray. Gracious God, thank You for the love You give us each day. Great and holy is Your Name. Infuse our lawmakers with a spirit of humility that will empower them to do Your will. Lord, help them to embrace Your desire to bring healing to our world. Challenge the best in them so they will give You their supreme allegiance and love. Enable them to fill swift hours with meaningful and faithful deeds, to think clearly, to act kindly, and to make a better world.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 18, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. SCHATZ thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 99, which is the Transportation appropriations bill.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 99, S. 1243, making appropriations for the Department of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, there will be an hour of morning business, with the majority controlling the first half and the Republicans the final half.

Following morning business, the Senate will proceed to executive session to consider the nomination of Thomas Perez to be Secretary of Labor. We hope to confirm both the Perez and McCarthy nominations today.

We are ready to move on this whenever my Republican colleagues say they want to. What would be the right thing to do would be to vote on Perez this morning and vote on the cloture motion I filed regarding McCarthy. Then this afternoon, after our lunches, we would vote on confirmation of McCarthy. However, whatever the Republicans decide, I will be happy to work with them in whatever way is convenient.

MEASURES PLACED ON THE CALENDAR—S. 1315, S. 1316, AND H.R. 1911

Mr. REID. I understand there are three bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 1315) to prohibit the Secretary of the Treasury from enforcing the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010.

A bill (S. 1316) to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

A bill (H.R. 1911) to amend the Higher Education Act of 1965 to establish interest rates for new loans made on or after July 1, 2013, to direct the Secretary of Education to convene the Advisory Committee on Improving Postsecondary Education Data to conduct a study on improvements to postsecondary education transparency at the Federal level, and for other purposes.

Mr. REID. Mr. President, I object to all three of these matters proceeding further at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the Calendar.

NOMINATIONS

Mr. REID. Mr. President, today, as part of this week's agreement to process nominations, the Senate will vote on confirmation of the Perez nomination to lead the Department of Labor, and we will vote on the cloture motion on the nomination of Gina McCarthy to lead the Environmental Protection Agency.

I hope we can move forward on these matters as quickly as possible.

Gina McCarthy is an accomplished environmental official who has served under several Republican Governors, including Governor Romney. She has worked in Democratic administrations

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

also. As a top environmental official in Massachusetts and Connecticut, she has expanded energy efficiency and renewable energy programs.

We had a wonderful event yesterday morning where the EPA building was named after President Clinton. He stood and talked about what he and Vice President Gore had done to help the environment, and he stressed time and time again it is important to have a growing, strong economy and to make sure we take care of the environment in the process because those two things are not in conflict.

Gina McCarthy is now Assistant EPA Administrator, and it has been her job to come up with creative new ways to keep our air clean and our water safe while growing the economy, as President Clinton said.

She was nominated several months ago. I spoke to her yesterday morning, as she was with President Clinton, and she was anxious to have a vote today. She has a proven track record of public service, there is no question about that.

Tom Perez, the nominee to lead the Department of Labor, is also an experienced public servant. He is from Buffalo, NY, the son of Dominican immigrants. As we have heard, he put himself through college working at a warehouse and as a garbage collector. He graduated from Brown University, one of the most prestigious universities in America, and in fact the world, as is Harvard Law School. He went to both of those fine universities.

He served as Deputy Assistant Attorney General for Civil Rights under Janet Reno, who was Attorney General for our country. He was appointed by Governor O'Malley in 2007 to serve as secretary of the Maryland Department of Labor where he helped implement the country's first statewide living wage law.

Four years ago he was confirmed by the Senate with 72 votes to lead the Civil Rights Division at the Department of Justice in Washington. There he has helped resolve cases on behalf of families targeted by unfair mortgage lending.

He is very qualified, with his education and background, and he will be an excellent Secretary of Labor. So I look forward to our confirming him as soon as we can.

STUDENT LOAN INTEREST RATES

Mr. President, I am very hopeful we can wind up the discussions we have had for several weeks now on student loans. There has been wonderful bipartisan discussions in this regard. Again, the legislation that has been presented to me isn't everything I want, but it is the work of a number of Democratic and Republican Senators working very long hours—in fact, those Senators had a meeting the night before last with the President that lasted about an hour and a half.

So we have to get this done as soon as possible. Of course, we have made it retroactive because we know the student loan rate went up from 3.4 percent to 6.8 percent the first of this month, and we need to make sure that legislation gets done before we leave. With people processing their applications to go to school this fall, we should get it done as quickly as possible. It is possible we could do it today.

I appreciate—and I hope I don't miss mentioning anyone, though I am confident I will—the Senators who have worked so hard on this issue. But those who have worked together on this compromise have been Senators HARKIN, DURBIN, KING, and MANCHIN on our side; and on the Republican side, Senators ALEXANDER, COBURN, and BURR. There have been others. In the process, we also have a number of Senators who may not be totally pleased with this agreement that is contemplated, but they have all worked so hard—JACK REED and ELIZABETH WARREN.

What I would like to do, and I hope we can do it as soon as possible, with the compromise that has been worked out with the Senators I mentioned—and whatever Senator REED and others want to do—we would have a couple of votes to make sure everyone has the ability to vote on their legislation. I hope we can do it this way. It would be the right way to go in solving this issue.

If we do this, we would not be back next year to do it. It will be done. We would not be back in 2 years. It will be done. So I hope very much we can get this done. I applaud all these Senators who have worked so hard for so long to come up with an agreement.

Again, I repeat for the third time even this morning, this isn't going to be everything the Presiding Officer wants, the Republican leader or I want, but, hopefully, it will be a step forward.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

NOMINATIONS

Mr. MCCONNELL. Mr. President, today the Senate will consider the nominations of Thomas Perez and Gina McCarthy to head the Department of Labor and the EPA. I will be voting against both of these nominees, and I would like to explain why.

Tom Perez is someone who has devoted much of his career to causes he believes in. That is certainly admirable, but the duty of advice and consent is about more than just ascertaining whether a nominee has good intentions. Far more important is considering the way a nominee has gone about pursuing them. It is about what he or she would do on the job. And that—that—is where the Perez nomination begins to break down because based on the evidence, Tom Perez is more than just some leftwing ideolog, he is a leftwing ideolog who appears perfectly willing to bend the rules to achieve his ends. It is this ''ends justify the means'' approach to his work, not simply his ideological passion, that is so worrying to me about Mr. Perez.

A few examples from his past paint the picture. Media reports indicate that as a member of a county council in Maryland, Mr. Perez tried to get the county to break Federal law by unlawfully importing foreign drugs even after a top FDA official said Federal law was ''very clear,'' and that there was ''no question'' that doing so would be ''undeniably illegal.''

When the County Executive, a fellow Democrat, ultimately decided not to instruct county employees to break the law, as Mr. Perez advocated—which could have subjected those workers to criminal prosecution—he lambasted the County Executive as ''so timid.''

''Federal law is muddled,'' Mr. Perez argued, adding, ''sometimes you have to push the envelope.'' Sometimes you have to push the envelope.

Throughout his career, however, Perez has done more than just push the envelope. He once pushed through a county policy that encouraged the circumvention of Federal immigration law. As the head of the Federal Government's top voting rights watchdog, he refused to protect the right to vote for Americans of all races in violation of the very law he was charged with enforcing. He also directed the Federal Government to sue a law-abiding woman who was protesting outside an abortion clinic in Florida.

The Federal judge who threw out this lawsuit said he was ''at a loss as to why the government chose to prosecute this particular case in the first place.''

Just as troubling, when Mr. Perez has been called to account for his failures to follow the law, he has been less than forthright. When he testified that politics played no role in his office's decision not to pursue charges against members of a far-left group that may have prevented others from voting, the Department's own watchdog—their own watchdog—said ''Perez's testimony did not reflect the entire story,'' and a Federal judge said the evidence before him ''appear[ed] to contradict . . . Perez's testimony.'' Appeared to contradict Perez's testimony.

In short, Mr. Perez made misleading statements in this case, under oath, to both Congress and the U.S. Civil Rights Commission. Taken together, this is reflective not of some passionate leftwinger who views himself as patiently advocating policies within the bounds of a democratic system, but as a crusading ideologue whose convictions lead him to believe the law simply doesn't apply to him.

As Secretary of Labor, Mr. Perez would be handling numerous contentious issues and implementing many politically sensitive laws. Americans of all political persuasions have a right to expect the head of such an important Federal department, whether appointed by a Republican or a Democrat, would implement and follow the law in a fair and reasonable way. I do not believe they could expect as much from Mr.

Perez, and that is why I will be voting against him today.

As for Gina McCarthy, I have no doubt she is a well-meaning public servant. We had some good conversations when she came to visit my office earlier this year. But as the head of EPA's air division, she is overseeing the implementation of numerous job-killing regulations. These regulations, along with others promulgated by the EPA, have had a devastating effect in States such as mine.

They have helped bring about a depression—depression with a ''d'' in parts of Eastern Kentucky.

And there is no reason to expect a course correction from Ms. McCarthy if she were to be confirmed as Administrator.

In fact, one assumes she would be expected to carry forward the President's plan to impose, essentially by executive fiat, even more destructive policies—policies similar to those already rejected by a Democrat-controlled Congress.

As someone sent here to stand up for the people who elected me, I cannot in good conscience support a nominee who would advance more of the same, someone who is not willing to stand up to this administration's war on coal.

And remember, this ''war'' talk that is not me saying that. ''A war on coal is exactly what's needed.'' That is what one of the White House's own climate advisors said just the other week.

All of us—Republicans especially—believe in being good stewards of the environment. But Washington officials have to be rational and holistic in their approach. They cannot, as this administration seems to think, simply do whatever they want, regardless of the consequences for people who do not live or act or think the same way they do.

I do not blame Ms. McCarthy personally for all of the administration's policies. But I believe the EPA needs an Administrator who is ready to step up and challenge the idea that the livelihoods of particular groups of Americans can simply be sacrificed in pursuit of some ivory tower fantasy. That kind of nominee—the kind of nominee I can support—is one who is willing to question the status quo and to make Kentuckians part of the solution.

OBAMACARE

Later today, the President is scheduled to deliver a speech on Obamacare.

He is expected to say that, because of Obamacare, Americans can expect checks in the mail.

Sounds great, doesn't it? Free money.

But, as they say, most things in life that sound too good to be true very often are.

And, in this case, it is not so much that people will be getting free money, as that most people will be paying many dollars more for their healthcare and maybe—just maybe—getting a few bucks back.

In other words, if you are a family in Covington facing a $2,100 premium increase under Obamacare, then, really, what would you rather have: a check for $100 or so or a way to avoid the $2,100 premium increase in the first place?

I think the answer is pretty obvious.

I think most Kentuckians would agree that this is just another sad attempt by the administration to spin them into wanting a law they do not want.

And there is this to consider: Even though we expect the President today to tout about $500 million worth of these types of refunds, what he will not say is that next year Obamacare will impose a new sales tax on the purchase of health insurance that will cost Americans about $8 billion. That is a 16 to 1 ratio.

So if the administration is concerned with saving people money on their health care, I have some advice for them.

Work with us to repeal Obamacare and start over—work with us to implement common-sense, step-by-step reforms that can actually lower costs for Kentuckians. Because jacking up our constituents' health care costs is bad enough, but to try to then convince them the opposite is happening—that they have actually won some Publishers Clearinghouse sweepstakes, well, it is just as absurd as it sounds. It is really an insult and I know Kentuckians aren't going to buy it.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority leader controlling the first half.

The Senator from Colorado.

AURORA THEATER SHOOTING

Mr. UDALL of Colorado. Mr. President, I rise today to mark a somber milestone. Nearly 1 year ago, Colorado and the Nation were shocked by the horrific scene at an Aurora movie theater. Even before the sun rose that Friday, July 20, 2012, we began hearing of a senseless mass shooting that took the lives of 12 people and injured 70 more.

Today I want to mark the anniversary of this tragedy and to honor the strength that so many Coloradans have shown—both on that day and in the weeks and months since.

The Aurora theater shooting shook us, it shocked us, it outraged us, but, as I said one year ago, it did not break us. Even today we are seeing that the legacy of this terrible tragedy is not the horror of that day but, rather, the courage and resilience of the people who have refused to let this event define their lives.

Take, for example, 18-year-old Zack Golditch, who endured surgery and weeks of recovery so he could continue with his football career and become a repeat state discus champion. The Denver Post recently named him the winner of their Adversity Conquered through Excellence award and this fall he will begin his freshman year as an offensive lineman at CSU.

Or Marcus Weaver, who was shot twice but now hosts a weekly radio show in Denver that spotlights great Americans who are making a difference in the community. Marcus also works with his church to help people who have struggled through addiction or incarceration and now travels the country inspiring others with his story and pushing them to take charge of their lives.

These are just two of the countless examples of the perseverance of people who were affected by the Aurora shooting. Zack and Marcus's strength defines us as Americans. That is something in which we can take great pride.

It is the kind of strength we honor in remembering this tragedy now a year later. In particular, we look back and honor young men like 26-year-old Jon Blunk and 24-year-old Alexander Teves who sacrificed their lives to protect their friends. And then there were the countless police and other first responders who rushed to the scene to care for the wounded and to stop the shooter before he could injure others.

Colorado has known too many tragedies these past several years. From the Aurora theater shooting to wildfires in Colorado Springs, Fort Collins and elsewhere that have threatened and destroyed entire communities and left hundreds of our friends and neighbors without homes.

We have seen the same spirit of sacrifice and resilience, as firefighters and community members have banded together to fight the Black Forest Fire, the West Fork Complex Fire and the other blazes that have threatened entire communities across Colorado this year.

This Saturday, on the 1-year anniversary of the Aurora theater shooting, let's take time to remember those we have lost and to honor the resilience of our neighbors who press on with their lives, undaunted by this terrible act.

In that spirit, I want to read into the RECORD the names of the twelve people who lost their lives one year ago. We must never forget these names: Matt McQuinn, Micayla Medek, Jessica Ghawi, Gordon Cowden, Jesse Childress, John Larimer, Jonathan Blunk, Veronica Moser-Sullivan, Alex Sullivan, Alexander Teves, Rebecca Wingo, and Alexander Boik.

I hope that we can draw strength from the tragic loss of those 12 wonderful, beautiful people and that it leads

us to redouble our efforts to be better people—to be more understanding to our friends and more loving to our families and to aspire to live our lives with the courage that the people of Aurora and Colorado have shown over the course of this last year.

I think that the leaders here in Washington could learn from their courage. The victims of Aurora have not let setbacks stop them from achieving great things and making their community a better place to live. They, in fact, have refused to allow the word ''victim'' to define them.

Of course, we still have work to do to prevent future mass shootings. There are many commonsense steps that we can and must take to reduce senseless gun violence. But today is not a time for a policy debate. Today is a day to remember the victims, to honor the heroes from that terrible day last year, and to commit ourselves to never forgetting their memory.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, let me commend the Senator from Colorado for his critical reminder to all of us about how you can get up each day and never know what life brings to you, but to remember not that the people so senselessly lost their lives, but the courage and passion they have left for all of us. I thank him for that important reminder.

Mr. UDALL of Colorado. I thank the Senator.

PEREZ NOMINATION

Mrs. MURRAY. Mr. President, I want to speak briefly about our vote today to confirm Thomas Perez as our next Secretary of Labor, and I want to touch on a couple of reasons, of separate reasons, this particular confirmation is so important for this body and for our country.

First, something we have talked about for several days here is providing the President and his administration with the team he needs to help our country grow, for our economy, our families, and communities in every one of our home States. Filling the position of Labor Secretary could not be more important. We all rely on the Department of Labor to do a lot of important work for American workers and American businesses—providing critical workforce development and job training services to help get people back to work or into better jobs, making sure we have high workplace safety standards, improving conditions and opportunities for women, and helping our service men and women find good jobs when they come home. Our country and our economy are stronger when the Department of Labor has a talented, qualified leader at the reins.

That brings me to the second reason why this vote is so important, and that is the tremendous nominee we have before us today. In Thomas Perez, the President has nominated someone who will bring passion and integrity and a lifetime of experience to this very important position. Like so many Americans, Mr. Perez comes from very humble beginnings. He is a second-generation American who put himself through college by collecting trash and working in the university dining hall. Since that time, he has spent his career fighting for working families, protecting our important civil rights laws, and turning around troubled agencies.

There is no shortage of examples to demonstrate what an effective leader Mr. Perez has been throughout his career. He took an Office of Civil Rights at HHS that had been ignored and lifeless and breathed new life into it. He reformed and rebuilt the Department of Labor in Maryland, and he walked into a very troubled Civil Rights Division at DOJ and, by all credible accounts, he returned high performance, professionalism, and integrity to that agency.

In a time when we need to do everything we can to protect and grow our shrinking middle class, Mr. Perez is exactly the right person for this job because in tough times, while we are still recovering from recession, we need strong, experienced leadership at the Department of Labor.

My colleagues here today who support his confirmation from both sides of the aisle are not alone. From his time working at the local and State and Federal level, organizations from Maryland and throughout our country have come out to strongly support him as well. That includes organizations that represent women, the LGBT community, the Hispanic community, and many more.

Finally, throughout his confirmation process, which at times has been very difficult, Mr. Perez has shown nothing but openness, transparency, respect, and the ability to work together and solve problems. That is why I will vote to confirm him today, and I urge all my colleagues to support his confirmation as well.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

McCARTHY NOMINATION

Mr. MANCHIN. Mr. President, I rise today to explain my vote against Gina McCarthy, which I will cast later today or the first of next week, to be Administrator of the Environmental Protection Agency. My fight is not with her. My fight is truly with the agency itself, the EPA, and the President who nominated her to head the regulatory agency. That fight is not going to end with the Senate's vote on Ms. McCarthy's nomination. It will not stop there. The fight will continue until the EPA stops its overregulatory rampage and until the President comes up with feasible policies that achieve real energy independence, which is what I think we all wish for.

I don't want anyone to misunderstand me. I have serious disagreements with many of Ms. McCarthy's views on energy and the environment, but I will say I met her a couple of weeks ago for the first time when she came to my office, and I found her to be earnest, friendly, pragmatic, incredibly intelligent. She is a talented scientist who has dedicated her life to public service. As a matter of fact, she served under Democrats and Republicans alike. I certainly appreciate her pragmatism, her willingness to serve her country, and her stellar bipartisan credentials, an extremely rare quality in Washington these days, as everyone knows.

In fact, it is not hard to imagine this same lady could have been nominated to be the EPA Administrator—if Mitt Romney would have won—by another President from another party. After all, she advised him on climate change when he was Governor of Massachusetts.

My vote goes much deeper than her nomination, her views on energy and the environment or even her job performance for the last 4 years as head of air policy at the EPA. My vote against Gina McCarthy is a vote against the administration's lack of any serious attempt to develop an energy strategy for America's future, which we call an all-of-the-above policy.

We need to develop every source of American-made energy, such as coal, natural gas, nuclear, renewables, wind, solar, biomass, and biofuels. We need it all, and we are responsible to make sure we find a balance between the economy and the environment. Everyone knows it is common sense to use what we have in this country.

We need an all-of-the-above policy that includes nuclear, hydroelectric, biomass, renewables, such as wind and solar, fossil fuels, including oil, natural gas, and coal. I truly believe if we work together and focus on a commonsense approach, we can develop a strong bipartisan energy plan. Such a plan will not only break the power of foreign oil countries and speculators, it will also chart a new and promising energy future for this great Nation and increase our national security and prosperity. Think about that. It will increase our national security and the prosperity of our country.

The President often speaks about an all-of-the-above energy policy, but I have to say that his new global climate proposal amounts to a true declaration of war on one of the above. It is a true declaration of war on coal. In fact, the President plans to use the EPA to regulate the coal industry out of existence.

The coal industry in the United States of America burns 1 billion tons of coal. Eight billion tons of coal is burned in the world today. I don't believe the wind currents or the ocean currents start and stop in North America. If we stop burning every ton of coal and declare war on the economy, it will effectively destroy people's lives and jobs as well as their ability to take care of themselves. There is more coal

burned in the world now than ever before, and it is unregulated. We do burn coal better than anyone else, and we can even do it better if the government will work with us. All we are asking for is a partnership.

It doesn't matter who is elected as the Administrator of the EPA. If the President plans to use the EPA to regulate the coal industry out of existence, it doesn't matter who it is. It could be Ms. McCarthy or someone else because it is the President and the administration that will be calling all the shots. That is my fight, and it is a fight where I wish we could sit down and work together. It is a fight we cannot lose as the United States of America. There is too much at stake.

Coal is America's most abundant, most reliable, and most affordable source of energy. In fact, coal keeps the lights on and provides nearly 40 percent of the electricity in this country—40 percent. Almost half of the population of the United States of America depends on coal for their energy. It is the source of energy that built America. It made the steel that built the factories and defends our country with guns and ships. It has done it all. All we are asking for is a partnership so we can continue to keep the lights on.

With all the clean coal technologies we have—and will continue to have for decades—we can use it in a way that strikes a balance between the environment and the economy. There should always be a balance. It can't be all or nothing. It seems as if we have these extremes today where a person is either on the right or on the left, absolutely for an issue or absolutely against an issue. If there is never a compromise, how can we make it work?

There is nobody in West Virginia who wants to breathe dirty air or drink dirty water. Nobody in America wants to do that. We have a responsibility to do it better. In fact, in the last two to three decades, we have cleaned up the environment more than ever in the history of this country.

For the last 40 years, every President has talked about how to end our country's addiction to foreign oil in order to achieve energy independence. We know our dependence on oil has taken us to places in the world to fight wars that have sacrificed American men and women as well as the precious resources of this great country. We have been fighting wars we shouldn't be in because of our dependence on foreign oil.

We need to stop demonizing one energy resource—and I do mean demonizing it. When people say, I hate this or I hate that or I can't stand this—turn the lights off. Turn the air-conditioning off. Turn it all off and see how well you like it or don't like it.

If we start using all of our resources, we can, once and for all, end our dependence on foreign oil. If we end our dependence on foreign oil, we will be a stronger and more secure Nation. We can do that within this generation and keep our economy more secure and our economy producing jobs for generations to come.

All I ask is for a level playing field. I ask that our government—in this beautiful country of ours—partner with me and West Virginia so we can work together.

I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

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

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

PEREZ NOMINATION

Mr. ALEXANDER. Mr. President, later today we will vote in the Senate on the question concerning whether the President's nomination of Thomas Perez to be the Secretary of Labor should be confirmed. I will vote no. I will vote against the confirmation of Mr. Perez. I do not believe he is the right man for this job.

The Secretary of Labor has immense influence over the lives of workers and the conduct of business in today's economy. Employees, employers, and unions must be able to trust the Secretary to faithfully and impartially execute our Nation's labor laws.

At a time when the official unemployment rate stands at 7.6 percent—meaning millions of Americans are looking for work and can't find it—and at a time when there is a growing gap between our workers' skills and our employers' needs, we need serious leadership on labor policy. We need someone who understands how to create an environment in which the largest number of Americans can find good new jobs. We need leadership that is committed to working in the best interests of the country. Unfortunately, I don't believe Mr. Perez meets that standard.

Mr. Perez's life story is one with many worthy accomplishments in public service, a devotion to representing disadvantaged individuals, and I commend him for that. But he has demonstrated throughout his career that he is willing to, in his words, push the envelope to advance his ideology.

I believe there are three significant problems with the nomination of Mr. Perez:

No. 1, in my view, his record raises troubling questions about his actions while at the Department of Justice and his candor in discussing his actions with this committee.

The Department of Justice inspector general recently published a detailed report that discussed problems in the voting rights section. It talked about a politically charged atmosphere of polarization. Mr. Perez has administered that section since 2009. The report talked about the unauthorized disclosure of sensitive and confidential information and about blatantly partisan political commentary. It specifically criticized the management of the Department and Mr. Perez's actions while at the Department. When questioned by members of our Committee on Health, Education, Labor and Pensions, Mr. Perez's answers were vague and nonresponsive.

No. 2, to preserve a favorite legal theory, Mr. Perez orchestrated a quid pro quo arrangement between the Department of Justice and the City of St. Paul in which the Department agreed to drop two cases in exchange for the city withdrawing a case, the Manger case, before the Supreme Court.

Mr. Perez's involvement in this whole deal seems to me to be an extraordinary amount of wheeling and dealing outside what should be the normal responsibilities of the Assistant Attorney General for Civil Rights. To obtain his desired results, Mr. Perez reached outside of the Civil Rights Division at the Department of Justice into the Minnesota U.S. Attorney's Office and into the Department of Housing and Urban Development. This exchange cost American taxpayers the opportunity to potentially recover millions of dollars and, more importantly, violated the trust whistleblowers place in the Federal Government. His testimony has been contradicted by the testimony of other witnesses in contemporaneous documents.

In short, it seems to me that Mr. Perez did not discharge the duty he owed to the government to try to collect money owed to taxpayers. He did not discharge the duty to protect the whistleblowers, who were left hanging in the wind. At the same time, he was manipulating the legal process to remove a case from the Supreme Court in a way that is inappropriate for the Assistant Attorney General of the United States.

No. 3, Mr. Perez's use of private e-mail accounts to leak nonpublic information is troubling to me.

Federal officials in this administration seem to have a penchant for using private e-mails to conduct official business. The Federal Records Act is designed to ensure that the government is held accountable to the American people to prevent the opportunity for a shadow government to operate outside of the normal channels of oversight. Using personal e-mails robs the Nation of the ability to know if the government is behaving appropriately.

Since Mr. Perez apparently is going to be confirmed despite my vote, I hope he will pledge to stop using personal e-mails to conduct official business.

For these three reasons, I cannot support the Perez confirmation. I will support and have supported the President's right to have an up-or-down vote on his Cabinet members. I always have. So I voted for cloture.

But what we have seen over the last several weeks—and I believe the reason the Senate did not come to a screeching halt this week—is that there is a widespread misunderstanding about what Senate Republicans have done with respect to President Obama's nominees for his Cabinet. The reality is that Republicans have respected the right of the President to staff his Cabinet. In fact, never in our Nation's history has the Senate blocked a Cabinet official from confirmation by a filibuster. Let me say that again. The number of Presidential nominees for Cabinet in our Nation's history who have been denied his or her seat by a filibuster, by a failed cloture vote, is zero.

The Washington Post and the Congressional Research Service have said that President Obama's Cabinet appointees in his second term are moving through the Senate at about the same rate as President George W. Bush's and President Clinton's.

Senators on both sides of the aisle have a long history of using the constitutional authority for advice and consent to ask questions. We have done that in the Committee on Health, Education, Labor and Pensions concerning Mr. Perez for the last 122 days. We have a historical right—and we have exercised it in a bipartisan way—to use our right to ask for 60 votes in order to advance our views. That is a part of the character of the Senate. But it is important to know that these fairy tales that have been suggested about Republicans somehow blocking President Obama's nominees are just that.

I ask unanimous consent to have printed in the RECORD at the end of my remarks an op-ed I wrote for the Washington Times yesterday supporting my remarks. The op-ed points out that most of this week's nuclear option debate about whether Senators should be permitted to filibuster Presidential nominees was not about filibusters, it was instead about whether a majority of Senators should be able to change the rules of the Senate at any time for any purpose.

Former Senator Arthur Vandenberg of Michigan once offered the precise trouble with this idea. He said:

If a majority of the Senate can change the rules at any time, the Senate has no rules.

In other words, all of this fuss was a power grab.

In fact, most of the filibustering that has been done to deny Presidents confirmation of their nominees has been done by our friends on the other side. As I mentioned earlier, the number of Cabinet members who have been denied their seats by a filibuster is zero. The number of district judges in the history of the country who have been denied their seats by a filibuster is zero. The number of Supreme Court Justices who have been denied their seats by a filibuster is zero. There was the incident in 1968 when President Johnson engineered an opportunity for Abe Fortas to get a 45-to-43 vote so he could feel better about staying on the Court after a majority of the Senate clearly wasn't going to confirm him for the Supreme Court. But throughout our history, the right to advise and consent has been exercised by a majority vote even in the most controversial cases. The vote on Clarence Thomas for the Supreme Court was a majority vote. The vote denying Robert Bork an opportunity to go to the Supreme Court was a majority vote. While there never has been a Supreme Court nominee blocked by a filibuster, about a quarter of all of the Supreme Court nominees have been withdrawn or blocked by majority vote.

So elections have consequences, and I respect that whether it is a Republican or a Democratic President. Our tradition was that nominees were not denied their seat by a failed cloture vote. Other than Fortas, the only exception is that in 2003, about the time I came to the Senate, the Democrats, for the first time in history—the first time in history—filibustered 10 of President George W. Bush's nominees. That produced Republicans who wanted to change the rules of the Senate, and fortunately cooler heads prevailed. But five Republican judges—very meritorious people, such as Miguel Estrada; a real tragedy—were denied their seats by a filibuster.

So the usual and expected happened. Republicans have since denied two Democratic seats by a filibuster.

So my preference is much that Presidents have the opportunity to appoint their Cabinet members, to appoint their Supreme Court Justices, and if we don't like them, we can vote against them. There have been occasions where sub-Cabinet members have been denied their seats. The total number is seven, all since 1994, and there may be more again.

A simple objection by Republicans to the motion of the majority leader to cut off debate may simply mean we want more information. In the case of Senator Hagel, the majority leader sought to cut off debate 2 days after his nomination came to the floor, and we voted no. We were not ready to cut off debate. Then, 10 days later, we voted to confirm Senator Hagel.

I am glad that this week the Senate regained its equilibrium, so to speak, and stopped this talk of creating the Senate as a body where a majority of the Senate can change the rules at any time, which would make this a Senate without any rules.

I hope we do not hear any more about it because that is not appropriate. It is not appropriate in this body. John Adams, Thomas Jefferson, George Washington, Senator REID himself, and others have said that this body is different. It is a place where you have to come to a consensus. We are coming to one, for example, on student loans today. The President made a good recommendation to solve the student loan problem on a permanent basis. The House of Representatives passed something much like the President's, and hopefully we can do that later today.

So I believe the President deserves an up-or-down vote on his nomination for the Secretary of Labor and his nominee for any other Cabinet member. But in this case, for the reasons I stated, I am voting no on confirmation.

I see the Senator from Georgia is here.

I yield the floor.

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

[From the Washington Times, July 17, 2013]

THE POWER GRAB BEHIND THE CROCODILE TEARS

DEMOCRATS TRY TO CHANGE THE RULES WHEN THEY CAN'T GET THEIR WAY

(By Lamar Alexander)

This week's ''nuclear option'' debate about whether U.S. senators should be permitted to filibuster presidential nominations was not about filibusters.

It was instead about whether a majority of senators should be able to change the rules of the Senate anytime for any purpose. Former Sen. Arthur Vandenberg of Michigan once offered the precise trouble with this idea: ''If a majority of the Senate can change its rules at any time, there are no rules.''

In other words, this was a power grab.

Despite Democrats' crocodile tears, filibusters—the requirement of securing 60 senators' votes to allow a vote on a nomination—have done little to frustrate presidential nominations.

According to The Washington Post, President Obama's Cabinet nominees during his second term are moving through the Senate about as rapidly as those of Presidents Clinton and George W. Bush.

According to the Congressional Research Service, in the history of the Senate, the number of times filibusters have denied a seat to a nominee for the Supreme Court, the president's Cabinet or federal district judge is zero. (The only arguable exception is President Lyndon Johnson's engineering of a 45–43 cloture vote in favor of the nomination of sitting Supreme Court Justice Abe Fortas to be chief justice in order to lessen the embarrassment of Fortas' failure to attract the support of a majority of senators for confirmation.)

Ironically, most of the frustrating of presidential nominations by filibusters has been done by the Democrats themselves. The number of federal court of appeals nominees who have been denied their seats by filibusters would also be zero were it not for the decision by Democratic senators in 2003 to filibuster 10 of President George W. Bush's appellate court nominees. This led to the ''Gang of 14'' compromise that allowed five of those to be confirmed, but discarded the other five. Since then, Republicans have retaliated by denying two of Mr. Obama's appellate nominees.

Over the years, there have been seven sub-Cabinet nominees blocked by filibuster—three Republicans and four Democrats, all since 1994.

So the grand total of presidential nominees who have been blocked by filibusters (failure to obtain 60 votes to cut off debate) is 14. And it is fair to say that Democrats sowed the seeds of the current controversy when they filibustered Mr. Bush's appellate judges in 2003.

So, what were Democrats complaining about?

For many Democrats, getting rid of the filibuster for nominees is the first step in turning the Senate into an institution where the majority rules lock, stock and barrel.

The Senate would become like the House of Representatives, in which a majority of only one vote could establish a Rules Committee with nine members of the majority and four of the minority. Every meaningful decision would be controlled by the majority. The result: The minority, its views and those it represents would become irrelevant. It would be the same as having the power to add an inning or two to a baseball game if you don't like the score in the ninth inning.

Alexis De Tocqueville, the young Frenchman who traveled the United States in the 1830s, warned against this kind of governance. He wrote that the two greatest dangers to the American democracy were Russia and the ''tyranny of the majority.''

In his book on Thomas Jefferson, Jon Meacham writes of an after-dinner conversation between President Adams and Vice President Jefferson. Adams said that ''no republic could ever last which had not a Senate and a Senate deeply and strongly rooted, strong enough to bear up against all popular passions'' and that ''trusting to the popular assembly for the preservation of our liberties was [unimaginable].''

John Adams was right. And so was then-Minority Leader HARRY REID in 2005 when, opposing Majority Leader Bill Frist's effort to use the ''nuclear option'' to kill the filibuster on judicial nominations, he said: ''And once you open that Pandora's box, it was just a matter of time before a Senate leader who couldn't get his way on something moved to eliminate the filibuster for regular business as well. And that, simply put, would be the end of the United States Senate.''

The only real confirmation issue before the Senate is Mr. Obama's use of his recess appointment power to install two members of the National Labor Relations Board when the Senate was not in recess, a blatant affront to the constitutional separation of powers that the District of Columbia Circuit Court of Appeals said was unconstitutional. Fortunately, a compromise has been reached in which the president is sending to the Senate two new, untainted nominees for the board. This week's debate, however, shows the threat to the end of the United States Senate lingers.

Those Democrats still seeking to create a Senate in which a majority can change the rules whenever it wants should be prepared for what could happen next. Their dream of a Democratic freight train running through a Senate in which a majority can do whatever it wants might turn into their nightmare if, in 2015, that freight train is the Tea Party Express.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Mr. President, first, before the Senator from Tennessee leaves the floor, if he was getting ready to, I wish to commend him on his activities over the last 8 days. For the second time in a decade, we came to the brink of making a bad mistake in the Senate. But we proved—and Senator ALEXANDER really proved through the facts, which are stubborn things—that if you study history and you read the history of the Senate, you understand there is a purpose for the cloture rule, there is a purpose for the filibuster, but there is also a purpose for being judicious in its use.

I commend the Senator on his historic history lesson, his personal experiences as being one who has gone through the process himself when he was nominated to be Secretary of Education, and I appreciate very much his leadership on the Committee of Health, Education, Labor, and Pensions.

I will be brief, but I would like to speak for a minute about the nomination of Thomas Perez.

The Labor Department is an important Department in the United States of America, and jobs are an important need we have in this country. We need an aggressive leader at the Department of Labor who is trying to get the Workforce Investment Act passed, trying to get people trained, trying to get wrongs righted, trying to be a leader. But what we do not need to have is one who throws up stumbling blocks to progress, stumbling blocks to jobs, and stumbling blocks to business.

Thomas Perez has a history of using disparate impact to enforce or to move toward where he wants to go in terms of the regulations he has had responsibility for in the past, namely at the Department of Justice.

Disparate impact is where you take unrelated facts, pull them together to get a pattern or practice, and then make a case against somebody for something that because of those disparate facts you think could draw you to a conclusion that they discriminated or they overcharged or they redlined or whatever it might be. Disparate impact is a very difficult thing to use. It is an even more difficult thing to defend yourself against. It would certainly be the wrong way to run the Department of Labor.

We know from Thomas Perez's experience in St. Paul, MN, with a whistleblower that his use of disparate impact caused him to work with the City of St. Paul to deny a whistleblower what he deserved in terms of his rights and the American people in terms of what they deserved in being reimbursed for the money that had been lost because of the actions the whistleblower uncovered.

It is important for us to understand that the Department of Labor is a job creator, not a job intimidator. We have had an issue in the last 4 years with the Department of Labor about the fiduciary rule—a rule that, if put in place, would cause the American saver and investor, the small saver and the small investor—it would deny them investment advice or cause them to pay so much for investment advice that the cost of that advice would be more than the yield on the investment they have. That would be the wrong thing do. I fear Thomas Perez will regenerate the fiduciary rule—which we fortunately beat back 2 years ago—and try to bring it forward again.

Going back to disparate impact, with the regulation of OSHA, the Mine Safety and Health Administration, MSHA—all the things that are done by the Department of Labor—to begin to use disparate impact as a pattern or practice to enforce mine safety laws, occupational safety laws, or any other type of laws which are very definitive in the way they should be enforced would be the wrong direction to go.

But most importantly of all, the nomination of Thomas Perez demonstrates why it is important to have cloture, why the filibuster, used judiciously and timely, can be a benefit to the Senate.

I ask unanimous consent to have printed in the RECORD a letter dated July 8, 2013, from the Chairman of the Oversight and Government Reform Committee in the House of Representatives, DARRELL ISSA.

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

CONGRESS OF THE UNITED STATES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, July 18, 2013.

Hon. THOMAS E. PEREZ,
Assistant Attorney General, U.S. Department of Justice, Washington, DC.

DEAR MR. PEREZ: I am in receipt of a letter dated June 21, 2013, from Peter J. Kadzik, Principal Deputy Assistant Attorney General, regarding your extensive use of a non-official e-mail account to conduct official Department of Justice business. I am extremely disappointed that you continue to willfully disregard a lawful subpoena issued by a standing Committee of the United States House of Representatives.

The subpoena issued on April 10, 2013, requires you to produce all responsive communications to and from any of your non-official e-mail accounts referring or relating to official business of the Department of Justice. The Department has represented that about 1,200 responsive communications exist, including at least 35 communications that violated the Federal Records Act. On May 8, 2013, Ranking Member Cummings and I wrote to you requesting that you produce to the Committee all responsive documents in unredacted form, as the Committee's subpoena requires. As of today, you have not produced a single document to the Committee; therefore, you remain noncompliant with the Committee's subpoena.

Your continued noncompliance contravenes fundamental principles or separation of powers and the rule of law. I once again ask that you immediately produce all responsive documents in unredacted form as required by the subpoena. Until you produce all responsive documents, you will continue to be noncompliant with the Committee's subpoena. Thank you for your attention to this matter.

Sincerely,

DARRELL ISSA,
Chairman.

Mr. ISAKSON. This letter demonstrates that Mr. Perez, as of that day, had still failed to comply completely with a subpoena issued on April 10, 2013, for information to be considered.

I recognize that Mr. ISSA is not a Member of the U.S. Senate, but he is the head of the Oversight and Government Reform Committee in the U.S. House of Representatives. He deserves to be responded to, and we deserve to know the facts.

I attended the hearing on St. Paul, MN, and the whistleblower there, Mr. Newell, when I went to the House about 2 months ago. I know there are unanswered questions, and the American people deserve them.

Cloture should be used judiciously, but this is a time—the reason I voted

no on cloture last night is because this is a time where we need all the answers. This is an appointee whose record demonstrates that he may be dangerous for the Department of Labor, not positive for the Department of Labor. I think it is important, when used judiciously, we get all the answers people need to know so that when we vote to approve or to deny an appointee, it is based on all the facts—not based on intimidation but all the facts the American people deserve.

For that reason, I will oppose the nomination today of Thomas Perez to be the Secretary of Labor for the United States of America.

I yield back my time.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

HEALTH CARE

Mr. BARRASSO. Mr. President, today I would like to address two topics. One is that within the hour President Obama is going to be delivering remarks about his health care law. I would like for all Americans to pay close attention to the President's remarks and see if he continues to make promises he knows he cannot keep.

Is he going to once again say that if you like what you have, you can keep it? Well, if so, we know that is not true. Just ask the unions that recently wrote a letter to Majority Leader REID and to NANCY PELOSI about how this law is not allowing them to keep the insurance they have.

Is the President going to call it affordable and say again that premiums will decrease by an average of $2,500 per family? Well, if so, we know that is not true. Just ask the folks in Ohio, where the average individual market health insurance premium in 2014 is going to cost about 88 percent more.

Is the President going to say again that the law is working as it is supposed to work? Well, if so, we know that is not true. Just ask the administration why they decided to delay the disastrous employer mandate that is making it harder for employers to hire new workers and for Americans to find full-time jobs.

Is the President going to say this law is good for young Americans? If so, we know that is not true. Just ask the young, healthy adults who will see insurance rates double or even triple when they look to buy individual coverage starting next year.

It is time for the President to level with the American people. This law has been bad for patients, it has been bad for providers—the people who take care of those patients, the nurses and the doctors—and it is terrible for taxpayers. We need to repeal this law and replace it with real reforms that help Americans get the care they need from a doctor they choose, at lower cost.

McCARTHY NOMINATION

Mr. BARRASSO. Mr. President, the second topic I would like to address is the issue of energy and a national energy tax, which the President essentially proposed in his June 25 speech. At that time he unveiled what I believe is a national energy tax that is going to discourage job creation and increase energy bills for American families.

This announcement that he made about existing powerplants—existing powerplants—came after the administration has already moved forward with excessive redtape that makes it harder and more expensive for America to produce energy. It also came as a complete surprise to Members of the Senate, especially since Gina McCarthy, the President's nominee to lead the Environmental Protection Agency—a nominee whom we will be voting on today—since that nominee told Congress that it was not going to happen. She is currently the Assistant Administrator of the Air and Radiation Office at the EPA. Here is what she told the Senate about regulations on existing powerplants, the ones the President talked about on June 25. She said:

> The agency is not currently developing any existing source greenhouse gas regulations for power plants.

None.

> As a result we have performed no analysis that would identify specific health benefits from establishing an existing source program.

So I would say it is clear with President Obama's June 25 announcement on existing powerplants that Gina McCarthy is either out of the loop or out of control. She either did not tell the truth to the Senate in confirmation hearings in response to questions or she does not know what is going on in her own agency. Either way, she is not the person to lead the EPA.

I would encourage all of my colleagues to oppose McCarthy in her nomination. This has nothing to do with ideology and everything to do with having an agency that is accountable to the elected representatives of the American people. I believe this behavior is indicative of the way the EPA has been run during Gina McCarthy's reign as an Assistant Administrator of the EPA.

Many of my colleagues on the Senate Environment and Public Works Committee have expressed concerns with the lack of transparency at this specific agency. One of the major areas of concern is the use of the so-called sue-and-settle tactics. This is where environmental activist groups sue the EPA or they sue other Federal agencies to make policy. Often, they find like-minded colleagues and allies in the EPA. Here is how it works. If environmental activists want to impose new restrictions on, say, farms, it is easy to sue the government to impose those restrictions. At the EPA, rather than fight the restrictions, they agree to this and they say: OK. We will do a court settlement. The EPA does not contest the new restrictions because the EPA wanted them in the first place. The agency just did not want to have to go through a lengthy rulemaking process with public comments in the light of day. The judge signs off on the agreement, and in a matter of weeks the law is made.

So I asked the nominee in writing: Do you believe sue-and-settle agreements are an open and transparent way to make public policy that significantly impacts Americans?

She stated in her answer:

> I recognize that this committee has focused many of its questions on EPA settlement practices and, if confirmed, I commit to learning more—

Learning more—

> about the Agency's practices in settling litigation across its program areas.

Well, some of the most egregious sue-and-settle agreements have dealt with the Clean Air Act, and she has been in charge of the air office at EPA for almost all of President Obama's first term. I find it very difficult to believe she did not know what was going on. In fact, in answering my next question to her—I asked: Do you believe States and communities impacted by sue-and-settle agreements should have a say in court agreements that might severely impact them—she said:

> [M]ost litigation against EPA arises under the Clean Air Act. . . .

Of course. So my question is, either she knew what was going on with regard to the Clean Air Act lawsuits against the Agency, the area that she completely was in control of, or she does not know what is going on in her own department. Once again, either way, such a person should not be confirmed to be in charge of the entire EPA.

As most folks know, my home State, Wyoming, is a coal State. The administration has actively sought to eliminate this industry from the American economy. It is no surprise to some that many of us coal-State colleagues fight vigorously to oppose the President's anti-coal policies. Ms. McCarthy has been the President's field general in implementing these policies. These policies greatly affect families all across Wyoming and across the country. So even though I strongly oppose these policies, I still wanted to meet with the nominee so I could explain to her how this administration's policies are hurting real people in my home State and across the country.

I believed if we had a face-to-face meeting I might be able to convince her to alter or alleviate the worst impact of the policies pursued by this administration through the EPA. In that personal meeting with me, the nominee

was very sympathetic with the concerns I and others had expressed regarding the impact of EPA regulations on jobs. She also expressed in many instances that she would look for flexibility, but she said she was unfortunately bound by agency processes and the law.

Well, if she is concerned with the impact EPA regulations are having on jobs and communities, I believe she should have sought the flexibility she needed from Congress to help save these communities and these jobs. In a followup to that meeting, I asked in writing: What specific legislative changes would you recommend to provide the flexibility to protect workers, to protect families, to protect communities from job losses that might occur as a result of EPA regulations?

What she stated was ''very sensitive to the state of the economy and to the impacts of EPA regulations on jobs.'' And then, ''If confirmed, I would continue to work hard to seek opportunities to find more cost-effective approaches to protecting human health and the environment.'' This administration has pummeled coal country, powerplants, manufacturing, and small businesses for 4 years, pursuing their preferred version of a clean energy future. Since 2009, unemployment has remained stagnant. Nearly 10 percent of our coal energy capacity is gone. Not once has Ms. McCarthy approached Congress for flexibility in implementing her own rules. I see no reason why that would happen in the future.

I would like to commend EPW ranking member Senator VITTER for leading an effort to secure information from the nominee. I signed a letter, along with Senator VITTER and other members of the EPW Committee, seeking access to the scientific data and the reasoning behind the justification for expensive new rules and regulations that hurt the economy, that cost jobs, seeking true whole economy modeling on EPA's Clean Air Act regulations, so we can understand the true cost of these rules.

I was also seeking an assurance that Gina McCarthy and this administration honor its commitment to transparency and stop using delay tactics to keep the true cost of these regulations from the American people. Senator VITTER was able to get some information on many of our requests. It was not easy and the nominee was not entirely forthcoming. In fact, she has not complied with many of the document requests we have made. I can assure the administration that none of us who signed that letter making these requests plan on giving up on securing basic information that should be readily available to the public.

Gina McCarthy is the wrong candidate to head the Environmental Protection Agency. America deserves better. I would ask that my colleagues oppose the nomination not on the content of this administration's policies but on the actions of this specific nominee with regard to accountability, competence, and transparency. I believe this nominee gets a failing grade on all three counts.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF THOMAS EDWARD PEREZ TO BE SECRETARY OF LABOR—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Thomas Edward Perez, of Maryland, to be Secretary of Labor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Mr. President, I rise today to voice my strong opposition to the nomination of Thomas E. Perez to be the Secretary of the U.S. Department of Labor. Simply put, there is no shortage of reasons why Mr. Perez should not be confirmed as our next Labor Secretary.

Several of my colleagues have come to the floor to discuss a number of troubling facts about Mr. Perez's professional history, each one of them reason enough to disqualify him for this nomination. I would like to discuss a few that are of significant concern to me. Without question, Mr. Perez has abused his position as Assistant Attorney General of the Civil Rights Division of the U.S. Department of Justice. Rather than seek out and expose instances of racial injustice, Mr. Perez has turned the office into his own personal tool of political activism, something that office was never meant to accomplish.

For example, a report issued by the Department of Justice Office of Inspector General found during Perez's tenure at the Civil Rights Division employees harassed colleagues for their religious and political beliefs. Despite having little if any evidence of racial discrimination, Mr. Perez has repeatedly opposed efforts by States to ensure the integrity of elections.

Under his direction, the Civil Rights Division has pursued frivolous lawsuits against State voter ID laws, has ignored statutes that require States to purge ineligible voters from their voter registration rolls, and has slow-walked attempts to protect the voting rights of our military members, our brave men and women serving in uniform for the United States.

While head of the Civil Rights Division, Mr. Perez's unit used spurious and misleading claims to allege racial discrimination and selectively enforced laws to target certain groups.

Most troubling, perhaps, was the fact that Mr. Perez has woefully disregarded a lawful subpoena from the House Committee on Oversight and Government Reform to produce certain documents relating to the use of his nonofficial e-mail account for official purposes. According to the chairman of that committee, ''Mr. Perez has not produced a single document responsive to the committee's subpoena'' and ''remains noncompliant.''

At a minimum this is a basic violation of the rule of law. It impedes a fundamental function of the legislative branch to provide oversight of the administration. Anyone showing this type of willful disregard for the law and ambivalence toward America's essential principles of representative government should not be considered for a top post in any administration.

I therefore strongly advise my colleagues not to support this nominee and to raise similar objections whenever someone comes up and is nominated by this President or any President who possesses and displays these characterizes that are so troubling.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

MILITARY SPENDING

Mr. BLUMENTHAL. Mr. President, I am here to speak on behalf of my good friend Gina McCarthy and her nomination to head the Environmental Protection Agency. But before I do so, I would like to raise an issue I raised during a hearing of the Armed Services Committee. I have come directly from that hearing.

I am here to express my deep dissatisfaction, in fact my outrage, at a form of military assistance that will literally waste a total of more than $1 billion in taxpayer money. In fact, we have just contracted and announced that contract in June for about 30 Russian Mi-17 helicopters that will cost American taxpayers $550 million to buy from Rosoboronexport, the Russian export agency, controlled by the Russian Government, those helicopters for the Afghan national forces that lack pilots and maintenance personnel to fly and repair and operate these helicopters. They will be sitting on the runways of Afghan airfields without any use, rusting, literally wasting American taxpayer funds.

Don't believe me when I make these statements. Those facts come from the Special Inspector General for Afghanistan who completed a report recently, stating succinctly, clearly, irrefutably, that we are wasting $1 billion in taxpayer money buying Russian helicopters for Afghan national forces that, very simply, cannot use them.

In fact, we committed to that contract before we even have a status of forces agreement with the Afghan Government for the period after 2014 when we will be leaving that country, fortunately. If we can leave sooner, all the better. But in the meantime, we are buying equipment from the Russian export agency that is at the same time

selling arms to Assad in Syria for the murder and slaughter of his own people, making money from those sales to Assad in Syria, and from the government that is harboring and providing refuge to Edward Snowden, who has illegally—I guess I should use the words allegedly illegally—but clearly violated American law in disclosing secrets from our government.

Last week I visited a National Guard helicopter repair facility in Groton, CT, where over 100 technicians—to be precise, 137 technicians—civilian employees at this facility alone have been furloughed. They are furloughed 11 days. It was originally 22, but it has been reduced to 11. Our helicopter repair function in that region, and similarly across the country, has been hampered and impeded because of the sequester and the impact in requiring furloughs. Our military readiness is suffering because of lack of funds on the part of the U.S. Government, when we are at the same time buying Russian helicopters that will have no use for the Afghan Government. In fact, they have no pilots to fly them or people to make repairs and maintain them. Something is wrong with this picture.

Yet in the hearing I have just left, the Chairman of the Joint Chiefs of Staff, General Dempsey, maintained to me his view that a waiver should be exercised under the National Defense Authorization Act providing for the purchase of these Russian helicopters.

I respectfully disagree. I strongly disagree. I think the American taxpayers, certainly my fellow residents of Connecticut, ought to be equally outraged. We should be outraged in this body that we are wasting this money when precious funds have been forgone that can be used for military readiness of our Armed Forces.

I ask my colleagues to join me in saying to our U.S. military leaders that our national security is imperiled, not by refusing to acquire those helicopters but in fact by wasting taxpayer money on those purchases for an Afghan army that cannot use them, and for purchasing from a country that certainly means us no good and, in fact, an export agency that is selling arms to a murderous government and harboring an individual who has violated our laws and endangered our national security.

I will not let this matter rest. I will not let this issue go. I intend to pursue it. I ask my colleagues to join me in making sure we stop these purchases. In fact, Senator AYOTTE and I have a bill, which is called No Contracting with the Enemy, to expand very useful contracting tools that now apply in Afghanistan, where we have found our aid and assistance finding its way to enemy hands. I can't think of a more blatant example of contracting with the enemy than handing over our taxpayer money to a company that is at the very same time selling S–300 air defense systems to the Syrian Government for use against its own people and violating international sanctions by helping Iran with that missile equipment.

MCCARTHY NOMINATION

I wish to turn to the reason I came to the floor, having just left that Armed Services Committee meeting, to speak on behalf of my very good friend Gina McCarthy.

I worked with Gina McCarthy over a number of years when she was, in fact, not only a fellow State official—I was then State attorney general—but also a client because I was her lawyer. I came to know her in a way that I think is very rare for any public official to know another, seeing her in times of crisis and public policy opportunity, the ups and the downs of public service.

I came to know her as a pragmatic person of consummate intelligence, integrity, an environmental protector for all seasons. She is not a partisan by any stretch of the imagination. There may be individuals who are more aggressive in the enforcement of environmental laws. There may be people who are more solicitous of economic progress and job creation, but I don't know. I certainly know no one who strikes the balance and seeks both goals of job creation, along with economic growth, and environmental protection with such zeal, passion, and great good humor.

I said before on this floor and I will say it again, Gina McCarthy knows how to bring people together. She knows how to work for a common goal.

We should seize this moment as a body to expand and enhance the bipartisan spirit of this past week and approve Gina McCarthy overwhelmingly because she epitomizes the kind of bipartisan spirit we should seek to grow and attract in our Federal Government, in fact, in all levels of government.

Let me give a few examples. My colleague Senator MURPHY spoke last night about a number of her specific accomplishments, but there are many more—maybe most important, which I don't think has been given enough attention on the floor, is her work in designing, building, and implementing the Northeast's pioneering cap-and-trade program, known as the Regional Greenhouse Gas Initiative, RGGI. Nine States currently participate in RGGI: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont. It is a highly innovative program. It is a model for the Nation and the world.

A 2012 report issued in 2012 estimates that RGGI investments will offset the need for more than 27 million megawatt hours of electricity generation and 26.7 British thermal units of energy generation. These savings will help avoid the emission of 12 million short tons of carbon dioxide pollution, an amount equivalent to taking 2 million passenger vehicles off the road for 1 year.

The numbers not only fail to tell the whole story about the environmental impact but also fail to tell about Gina McCarthy's role in bringing together Republican and Democratic Governors for a common good, what she will do in this country for environmental protection and what she has already done in her role at the EPA.

Under her guidance, the State of Connecticut settled a Clean Air Act suit against Ohio Edison on July 11, 2005, again requiring pollution reduction consistent with business needs and goals.

She settled a citizen suit against American Electric Power on December 13, 2007, a dramatic reduction in nitrogen oxide and tons of sulfur dioxide. These Clean Air Act suits, which I assisted her in bringing to conclusion, I think embody her goal of reducing air contamination and pollution consistent with the business community's concern for its bottom line. She is sensitive to both.

She is remarkable for her professionalism, for her zeal and passion as an environmental protector, and also for her willingness to listen, her willingness to hear and truly listen to people sitting across the table who may come into the room with different and sometimes conflicting views and come to a common conclusion. She knows how to get to yes, and she does it as a tough, fair, balanced environmental law enforcer.

I hope my colleagues will join me in my enthusiasm because the President couldn't have picked a more qualified person. Gina McCarthy is as good as it gets in public service. She is as good as it gets for integrity, intellect, and dedication to the public good.

It is my wish that we will move forward as united as possible, carrying forward the great bipartisan spirit that has characterized these last few days in our consideration of the President's nominees, which I hope will be enhanced and continue as we move forward today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican whip.

OBAMACARE

Mr. CORNYN. In a few minutes, President Obama is scheduled to give a major speech highlighting what he believes are the achievements of his signature health care law, the Affordable Care Act, otherwise known as ObamaCare.

I could understand why he is feeling a little defensive and why he feels he needs to frame the discussion because, after all, ObamaCare has disappointed some of its most ardent former supporters.

For example, back in 2009 and 2010, American labor unions were among the biggest supporters of the President's health care plan. Along with many of my friends across the aisle, they are having second thoughts and, in some cases, buyer's remorse.

Last week, three of the country's most prominent labor leaders, James Hoffa, Joseph Hansen, and Donald Taylor, sent a very concerned letter to

Senator REID and former Speaker PELOSI. Here is part of what they wrote:

When you and the President sought our support for the Affordable Care Act, you pledged that if we liked the health plans we have now, we could keep them. Sadly, that promise is under threat.

Picking up on this chart, they went on to say:

Right now, unless you and the Obama Administration enact an equitable fix, the ACA [Affordable Care Act] will shatter not only our hard-earned health benefits, but destroy the foundation of the 40-hour workweek that is the backbone of the American middle class.

They went on to say:

The unintended consequences of the ACA [Affordable Care Act] are severe. Perverse incentives are already creating nightmare scenarios. . . . The law, as it stands, will hurt millions of Americans.

ObamaCare has been controversial since its passage in 2010. Some Members of Congress voted for it. Obviously, the Democratic majority voted for it. Some people voted against it, people such as myself in the Republican minority.

But whether you supported the law with the hopes and aspirations that it would somehow be the panacea or answer to our health care needs in this country or whether you were a skeptic such as I, who believed that this could not possibly work, the fact seems to be—as these labor leaders have said—it has not met expectations and certainly it has created many problems that need to be addressed.

This same letter went on to detail some of the nightmare scenarios these labor leaders have concerns about. They pointed out that many businesses are cutting full-time employment back to part-time in order to avoid the employer mandate.

As I mentioned yesterday, the number of people working part-time for economic reasons has jumped from 7.6 million to 8.2 million, just between March and June. In fact, last month alone that number increased 322,000.

A new survey reports that in response to ObamaCare, nearly three out of every four small businesses are going to reduce hiring, reduce worker hours or replace full-time employees with part-time employees.

We know the President has unilaterally decided to delay the imposition of the employer mandate until 2015, but that doesn't change a lot. These businesses have to plan for the future and small businesses still have the same perverse incentives to limit the hiring of full-time workers, as these labor leaders point out.

The employer mandate is one reason why ObamaCare needs to be repealed entirely and replaced with something better. As these leaders say in their letter, the law, as it stands, will hurt millions of Americans.

We have already seen its effect on job creation, not only with the employer mandate but also with the medical device tax that has prompted many companies, including those in Texas, to simply grow their businesses in places such as Costa Rica, where they can avoid that medical device tax, rather than in my State or in other States that have medical device companies. It has also caused these companies to close factories and cancel plans for new ones in the United States.

We have also seen, as these leaders point out, that ObamaCare will disrupt Americans' existing health care arrangements. As they point out in their letter, one of the promises the President made was that if you liked what you have, you can keep it, but, in fact, that has not proven to be true.

Indeed, my constituents are already getting their letters from health care providers informing them that their current policies are no longer going to be available because of the implementation of ObamaCare. Millions of people will eventually have that same experience, according to the Congressional Budget Office.

Why have we made this huge shift in one-sixth of our economy? What was the goal of the proponents of this piece of legislation? What we were told is that it was universal coverage. There were too many people who didn't have health care coverage. But as for this promise of universal coverage, I am afraid that is another broken promise as well.

According to the Congressional Budget Office, even if ObamaCare is fully implemented on schedule, there will still be 31 million people in America without health insurance by the year 2023. Even though the proponents of ObamaCare said we need to do this, as expensive as it is, as disruptive as it is to the existing health care arrangements, we need to do this because everybody will be covered, that promise is not going to be kept either.

Let me repeat, 13 years after the passage of ObamaCare, America will still have 31 million uninsured. Meanwhile, many of the newly insured under ObamaCare will be covered by Medicaid, a dysfunctional program that is already failing its intended beneficiaries.

I, perhaps unwisely, decided during the markup of the Affordable Care Act in the Senate Finance Committee to offer an amendment that said Members of Congress will henceforth be put on Medicaid. I told my colleagues that I knew if Congress was covered by Medicaid we would do our dead-level best to fix it because, as it exists now, it is a dysfunctional program. It is dysfunctional for this reason: Giving people coverage is not the same thing as access. Many Medicaid recipients have a very hard time finding doctors who will accept Medicaid coverage because the program reimburses providers at such low rates. In my State, it is about 50 cents on the dollar as compared to private coverage. In my State of Texas, fewer than one-third of physicians will accept a new Medicaid patient, and many of them are accepting no new Medicaid patients.

Most Texas physicians believe Medicaid is broken and should not be used as a mechanism to expand coverage, certainly if it is not fixed and reformed, which it needs to be. By relying on Medicaid as one of the primary vehicles for reducing the number of uninsured in America, the Affordable Care Act will make the program even more fragile and weaker and less effective at securing dependable health care for the poor and the disabled, the very people it is designed to protect.

We also have good reason to fear ObamaCare's Medicaid expansion will reduce labor force participation. A new National Bureau of Economic Research paper argues ObamaCare ''may cause substantial declines in aggregate employment.'' Rather than expand and damage an already broken system, the Federal Government should give each State more flexibility to manage the Medicare dollars that come from Washington so they can provide better value for recipients and taxpayers.

Right now, State policymakers can't manage Medicaid without first going through a complicated waiver process and obtaining Federal approval—too many strings attached. Ideally, Washington would give each State a lump sum—a block grant, if you will—as well as the freedom to devise programs that work best in their States and for the population covered.

Meanwhile, we should adopt health care reforms that would make health care more affordable and accessible to everyone—for example, equalizing the tax treatment of health insurance for employers and individuals; expanding access to tax-free health savings accounts so people can save their money, and if they don't use it for health care, they can use it for other purposes, such as retirement. We should let people and businesses form risk pools in the individual market, including across State lines. We should improve price and quality transparency.

One of the most amazing forces in economics is consumer choice and transparency and competition. It is called the free enterprise system, and we see it at play in the Medicare Part D Program, for example, one of the most successful government health care programs devised. We made a mistake when we passed Medicare Part D because it was not paid for—it should have been—but it has actually come in 40 percent under projected cost and it enjoys great satisfaction among its beneficiaries, seniors who have access to prescription drugs, some of them for the first time. But the reason why it has come in 40 percent under cost is because companies have to compete for that business, and they compete—as they always do in the marketplace—on price and quality of service, and we get the benefit of that market discipline.

We also need to address frivolous medical malpractice lawsuits—something my State has done at the State level, which has made medical malpractice insurance more affordable and

which has caused many doctors to move to Texas who otherwise might not have gone there, providing greater access to health care.

As I have said, we also need to allow the interstate sale of health insurances policies. There is no reason why I shouldn't be able to buy a health insurance policy in Virginia if it suits my needs better than one available in Texas. Why would we not allow that? Again, why would we not want the benefit of that competition and the benefits to the consumer in terms of service and price?

We also need to boost support for State high-risk pools to protect Americans with preexisting conditions. This is one of the reasons why the President and other proponents of ObamaCare said we have to have ObamaCare, because we need to deal with preexisting conditions, and we do. But we can do it a lot cheaper and a lot more efficiently by using Federal support for existing State preexisting condition high-risk pools. We don't have to take the whole 2,700-page piece of legislation that cost us several trillion dollars. We can do it much cheaper and more efficiently.

Finally, we need to save Medicare by expanding patient choice and provider competition. These policies would allow us to expand quality insurance coverage and improve access to quality health care without disrupting people's existing health care arrangements, without discouraging work and job creation, without raising taxes on medical innovation, and without weakening Medicaid and Medicare.

The chairman of the Senate Finance Committee, one of the principal Senate architects for the Affordable Care Act, famously described the implementation of ObamaCare as a train wreck. These three leaders of American labor would agree, and they have also warned us that unless we fix it, it could destroy the very health and well-being of millions of hard-working Americans.

It is time for us to acknowledge the reality that whether you were a proponent and voted for ObamaCare or whether you were an opponent and a skeptic that it would actually work, we need to deal with the harsh reality and the facts that exist. It is time for Democrats, including the President, to work with us to replace ObamaCare with better alternatives.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. REID. Mr. President, if my friend from Virginia will yield to me for the purpose of doing a unanimous consent request, we have an agreement as to when we will proceed with votes.

Mr. KAINE. I have no objection.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the confirmation of the Perez nomination as Secretary of Labor occur at 12:15 p.m. today; that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; and the President be immediately notified of the Senate's action; further, that following disposition of the Perez nomination, the time until 2:30 p.m. be equally divided in the usual form prior to the cloture vote on the McCarthy nomination.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, while I have the floor, I want the RECORD to reflect how fortunate the State of Virginia is for the work done by this good man. We have a good situation with our delegation from Virginia—two former Governors, and they are both such outstanding human beings and wonderful Senators.

As I have told my friend personally, the person whom I just interrupted—and I spread this in the RECORD here—there is no one I know in the Senate who is able to deliver the substance of what he says as well as the Senator from Virginia. He does such a good job of explaining things. We all have an idea of what we want to say, but sometimes we don't explain it very well. He does an excellent job.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. KAINE. I thank the majority leader for his kind words.

WAR POWERS RESOLUTION OF 1973

Mr. President, I rise in order to note an important anniversary. Forty years ago this week the Senate passed the War Powers Resolution of 1973. The resolution was passed in a time of great controversy—during the waning days of the Vietnam war. The purpose of the resolution was to formalize a regular consultative process between Congress and the President on the most momentous decision made by our Nation's Government—whether to engage in military action.

The question of executive and legislative powers regarding war dates back to the Constitution of 1787. Article I, section 8 of the Constitution provides that ''Congress shall have the power . . . to declare war.'' Article II, section 2 of the Constitution provides that the President is the ''Commander in Chief'' of the Nation's Armed Forces. In the 226 years since the Constitution was adopted, the powers of the respective branches in matters of war have been hotly debated. In a letter between two Virginians in 1798, James Madison explained the following to Thomas Jefferson:

> The Constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch most interested in war, and most prone to it. It has accordingly, with studied care, vested the question of war in the legislature.

Madison's definitive statement notwithstanding, the intervening history has been anything but definitive. Academics and public officials have advanced differing interpretations of the constitutional division of power. There is no clear historical precedent in which all agree the legislative and executive branches have exercised those powers in a consistent and accepted way. And the courts have not provided clear guidance to settle war powers questions.

Some facts, however, are very clear. The Congress has only formally declared war five times. In many other instances, Congress has taken steps to authorize, fund, or support military action. In well over 100 cases, Presidents have initiated military action without prior approval from Congress.

Congress supposed 40 years ago that the War Powers Resolution of 1973 would resolve many of these questions and establish a formal process of consultation on the decision to initiate military action. But this was not the case. President Nixon vetoed the resolution, and while Congress overrode the veto, no administration since has accepted the constitutionality of the resolution. Most recently, President Obama initiated American involvement in a civil war in Libya without congressional approval. The House of Representatives rebuked the President for that action in 2011. But the censure rang somewhat hollow because most legal scholars today accept the 1973 resolution is an unconstitutional violation of the separation of powers doctrine.

So why does this matter? We are in the 12th year of war. The attack on our country by terrorists on September 11, 2001, was followed 1 week later by the passage of an authorization for use of military force that is still in force today. The authorization is broadly worded and both the Bush and Obama administrations have given it an even broader interpretation.

In recent hearings before the Senate Armed Services Committee, administration officials expressed the opinion the authorization of September 18, 2001, might justify military action for another 25 to 30 years in regions spread across the globe against individuals not yet born or organizations not yet formed on 9/11. This was likely not contemplated by Congress or the American public in 2001.

Congress is currently grappling with the status of the authorization and whether it should be continued, repealed, or revised. We face immediate decisions about the reduction of American troops in Afghanistan and the size of a residual presence we will leave in that country to support the Afghan National Security Forces. We are wrestling with the scope of national security programs that were adopted in furtherance of the authorization, and we are engaged in serious discussion about new challenges—from the rebellion in Syria to growing nuclear threats in Iran and North Korea.

All of these issues are very hard. I recently returned from a trip to the Middle East—a codel sponsored by Senator

CORNYN. Accompanying us were Senators COCHRAN, SESSIONS, BOZEMAN, FISCHER, and in Afghanistan, Senators MCCAIN and GRAHAM.

In Turkey and Jordan we heard about the atrocities committed by the Asad regime in Syria and the flood of refugees pouring into those neighboring countries. In Afghanistan we met with our troops and heard about the slow transition from NATO forces to Afghan security. In the United Arab Emirates we discussed the growing threat of Iran throughout the region, and we made a meaningful stop at Landstuhl Regional Medical Center in Germany to visit recently wounded Americans—and NATO partners—who have sacrificed so much in this long war against terrorism. In the voices of our troops, our diplomats, our allies, and our wounded warriors, we heard over and over again a basic question: What will America do?

Answering this question isn't easy, but I believe finding answers is made more difficult because we do not have any agreed-upon consultative process between the President and Congress. The American public needs to hear a clear dialogue between the two branches justifying decisions about the war. When Congress and the President communicate openly and reach consensus, the American public is informed and more likely to support decisions about military action. But when there is no clear process for reaching decision, public opinion with respect to military action may be divided, to the detriment of the troops who fight and making it less likely that government will responsibly budget for the cost of war.

I believe many more lawmakers, for example, would have thought twice about letting sequestration cuts take effect if there had been a clear consensus between the President and Congress about our current military posture and mission.

So at this 40th anniversary, I think it is time to admit that the 1973 resolution is a failure, and we need to begin work to create a practical process for consultation between the President and Congress regarding military action.

In 2007 the Miller Center at the University of Virginia impaneled the bipartisan National War Powers Commission under the leadership of former Secretaries of State James Baker and Warren Christopher. The Commission included legislative, administrative, diplomatic, military, and academic leadership. The Commission issued a unanimous report to the President and Congress urging the repeal of the War Powers Resolution and its replacement by a new provision designed to promote transparent dialog and decisionmaking. The Commission even proposed a draft statute, preserving the constitutional powers of each branch while establishing a straightforward consultative process to reach decision in a way that would gain support from the American public. The House and Senate Foreign Relations Committees held hearings on the report in 2008, but the time was not yet right for change.

I believe the time for change is upon us. We struggle today with urgent military decisions that demand better communication between the President, Congress, and our citizens. President Obama has discussed this very need during his 2013 State of the Union Address and also during his recent speech at the National Defense University.

As we reach the 40th anniversary of the failed War Powers Resolution, Senator JOHN MCCAIN has agreed to work with me to form a group of Senators committed to finding a better way. Senator MCCAIN and I serve together on both the Armed Services and Foreign Relations Committees. I have profound admiration for his service to this country, both as a military veteran and a veteran Senator. I am a newcomer, but veterans and newcomers alike have an interest in finding a more effective process for making the most important decision that our government ever makes—whether to initiate military action. We can craft a process that is practical, constitutional, and effective in protecting our Nation. We owe this to those who fight, and we owe this to the American public.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. RUBIO. Mr. President, I ask unanimous consent that I be recognized to speak for up to 12 minutes as in morning business.

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

OBAMACARE

Mr. RUBIO. Mr. President, just a few moments ago I heard the President speaking from the White House regarding ObamaCare. He was lamenting, saying: Why are we still litigating old news around here? Let's move on to other things. This issue has been finished.

The reason this issue is still being talked about is because ObamaCare is a disaster. I think it is important to remember when we talk about health insurance that most Americans do have health insurance they are happy with. But no one would dispute that we have a health insurance problem in this country.

For many who have insurance the cost of their insurance is getting unaffordable, and many others have no access to insurance at all. They have a job, perhaps, that doesn't provide it or they are chronically ill so insurance is impossible for them to find or they are young and healthy and they never go to a doctor, so they figure, why do they need it? Yes, for millions of people the cost and availability of insurance is a real problem, and we should do something about that.

The problem is ObamaCare, as a solution, is a massive government takeover of health insurance in America, and it does not fix the problem. It only makes it worse, and that is why we are still talking about it. It makes it worse for a number of reasons.

Tomorrow I am going to visit a business in Florida where the reality is growing every single day. Tomorrow I will visit Gatorland. Gatorland is in central Florida. It is a tourist destination where many Floridians and tourists have taken their kids to see alligators and to enjoy Florida's unique wildlife.

For 135 Orlando area residents, however, Gatorland is their workplace. It is their livelihood. It is how they feed their families. It is how they pay their mortgages. It is how they get ahead in life. The reason we are still litigating this, Mr. President, is because like hundreds of thousands of other businesses around the country, ObamaCare is threatening to unravel it all. It is threatening to unravel the livelihood of 135 Floridians who work at Gatorland, to shatter their financial security for them and their families.

Let me describe the problem. Gatorland has 135 full-time employees. Gatorland is currently paying 80 percent of the insurance cost for these employees. But now, under ObamaCare, evidently what they are doing is not going to be enough. ObamaCare, first of all, requires them not to just provide insurance but to provide for them a certain type of insurance, a type of insurance the government decided is enough.

Second, because of ObamaCare, the cost of the insurance that Gatorland wants to provide for its employees is going to go up; that is, if they want to continue to pay 80 percent of the insurance costs for the 135 Floridians who work there, it is going to cost them a lot more money. Those are the two problems.

No. 1 is they have to offer a certain type of insurance; the one they have potentially may not be enough according to the government. No. 2, because of all these changes, it is going to cost Gatorland more money to provide 80 percent of the cost of the insurance.

What does this mean in the real world? Here is what it means. It means that as Gatorland looks to next year and into the future, they now have a new cost on their books. As they look at their business plan for the coming year, all of a sudden they see on the cost side it has gotten more expensive. So if they want to stay in business, they are going to have to figure out a way to come up with that extra money.

What are their options to come up with this extra money? Option No. 1 is they can raise their prices. Option No.

2 is they can cut back on expenses, such as the number of employees and benefits and hours. Option No. 3 is just not to comply at all with ObamaCare and pay a fine. Basically, don't offer insurance to these employees; let them go off and find it in the so-called exchanges and pay a fine to the IRS.

I ask you, Mr. President, and I ask the people of this country, and I ask my colleagues, which one of these three options is good for our country? Which one of these three options is good for America, and which one of these three options is good for the 135 people who feed their families by working at Gatorland?

If they raise their prices, that means the cost of going to Gatorland will go up. I understand our economy is not doing very well these days. Millions of people are underemployed and unemployed. They are working twice as hard and making half as much, and you are going to make it more expensive for them to go on vacation. I would argue that raising their prices is probably not an option available to them anyway. Gatorland is not Disneyland and not Universal, and it is not one these big tourist destinations. It is a small place that has to compete, and if you raise prices there comes a point where people just will not go.

Not only is raising prices bad for our economy and people who want to visit Florida and take their families there, it might not even be feasible. So that certainly is not a good option. It may not even be an option at all.

The second option is they would have to cut down on their expenses with their employees. That means they can lay off some people; find the money by instead of having 135 employees, try to get by with 125 employees. That could mean not laying off people but as people retire or quit just not replacing them. That could also mean moving some of these people who are working full time to part time so they can get around the ObamaCare mandates, and so they can lower their costs. How is that good for our economy? How is that good for 135 people who work at Gatorland? How is that good for Florida? How is that good for us?

The third option is they could pay the fine, but it is going to cost at least 135 people in my State the insurance they are happy with. I want you, Mr. President, to remember what you said—in fact what you repeated today in your statements a moment ago at the White House. You said if you are happy with your insurance, you can keep it. For 135 people working in Gatorland in central Florida, that may not be true. They could lose their insurance that is working well for them, that they are happy with, because of this experiment. That is why we keep revisiting this issue.

Interestingly enough, by the way, that is not just me saying that. This week some prominent labor unions, labor unions who are actually in favor of this law—lead among them was the Teamsters head, Jimmy Hoffa—wrote a letter to the President attacking this very point. They said the new law is breaking the promise that was made that if you are happy with your coverage, you are not going to lose it.

I single out Gatorland because that is the real world. That is where I am going tomorrow, and that happens to be in my State. There are thousands of businesses like this that are facing these decisions. There is not one, there are hundreds of thousands of businesses that are facing this dilemma, that have these same concerns.

By the way, this is not the only problem with ObamaCare. There are many others. The President keeps saying: There are people in town who want this plan to fail. They keep bringing up ObamaCare because they want it to fail.

The plan is already failing. It is failing by your own admission. You just had to cancel, had to suspend one of the critical components of this bill because it is not doable. This plan is already failing on its own.

By the way, if you are going to accuse us of wanting ObamaCare to fail, you better accuse the Teamsters of it because they have the same criticisms on this point that I have raised today.

I think we have reached a point where no matter how you voted on ObamaCare—I was not here, but no matter how you may have voted on ObamaCare if you were here, no matter who you voted for for President, no matter if you are a Republican, a Democrat, or an Independent, it is bigger than politics—this is really about people. Today I highlighted the plight that 135 people in Florida are facing, but hundreds of thousands if not millions of others will soon face this plight as well. As Americans, we have to come to grips with the fact that this law is a terrible mistake, and we cannot go forward with it because it is going to hurt millions of middle-class Americans in the ways I have just described.

We are going to have an opportunity to get this right in September because we are going to have to vote on a short-term budget to fund the government. I implore my colleagues to use that as an opportunity to put the brakes on this terrible mistake before more people lose their insurance, put the brakes on this before more people lose their jobs, put the brakes on this before more people lose their businesses. In that short-term funding bill, we should not pay for the implementation of ObamaCare. Let me be clear. Anyone who votes for the short-term budget that funds ObamaCare is voting to move forward with ObamaCare. Don't come here and say ''I am against ObamaCare'' if you are willing to vote for a budget that funds it. If you pay for it, you own it.

I want to make myself clear to the employees of Gatorland, the working people of Florida, and anyone in America who is watching that I, for one, will not vote for any bill or any budget that funds the implementation of this disaster. Does that mean we shouldn't do anything about health insurance in America? Of course it doesn't mean that. We should do something—something that protects what is good about the current system and fixes what is bad with it. ObamaCare throws out what is good about the current system in order to try to fix what is bad with it, and in the end it messes up everything.

We should repeal ObamaCare and replace it. We should replace it with ideas that allow uninsured and underinsured Americans to find affordable insurance without taking away other people's insurance and other people's jobs.

For example, we should expand flexible savings accounts. These are accounts like the ones to which every Member of Congress has access. That allows us to take money out of our paycheck every month tax free and put it in a savings account for health purposes. We don't have to pay taxes on that money. A deposit is made every month, and it starts adding up. That money can be used to buy medicine or to pay for a copayment or any other medical expense. It is our money, and we control it. It has to be used on health care, but it is tax free. If Members of Congress get this, why shouldn't every American have a chance to have something like that?

I used that account last year to pay for my daughter's braces. Millions of Americans should have the chance to do that. Why don't they? Because ObamaCare undermines it instead of encouraging it. It lowered the amount we can save every year from $5,000 to $2,500. Ridiculously enough, it says that in order for me to pay for children's Advil for my kids with my flex savings account, I have to get a prescription from a doctor. Think about that. If you buy children's Advil because your child has a fever, you now have to go to a doctor and get a prescription if you want to use your money to pay for it. Instead of encouraging the flex savings account, ObamaCare undermines it.

Another good idea would be to allow people to buy insurance with their own tax-free money. Let's use the example of Gatorland. Let's say that the monthly premium is $1,000 and Gatorland pays $800 of it. They don't pay taxes on that $800. But let's say that tomorrow a business like that decides it is going to give you the $800 so you can go out and buy insurance from any company. If it does that, you have to pay taxes on the $800. If the employer buys the insurance for you, they don't pay taxes on the money. If you buy insurance for yourself, you pay taxes on the money. That is ridiculous. That is something we should be for.

Here is another one. Why can't we Americans buy insurance from any company that will sell it to us? I live in Florida. If there is a company in Georgia that will sell me health insurance, why can't I buy it? I can't buy it

because they are not licensed by the State of Florida. This ignores the fact that every American needs a different type of health insurance.

If you are like me, with four children, you need a family plan that will cover a lot of things, and that will cost more.

What if you are a 25-year-old healthy single person who hardly ever gets sick? What you probably want is a hospitalization and catastrophic insurance account and a health savings account. The health savings account can be used if you get the flu, so you can take out $50 or $100 with the tax-free money you have saved and pay for the doctor's visit. If, God forbid, you get hit by a car, your insurance steps up and pays for it. A plan such as that is a lot more affordable, but right now you can't buy it. Most States have rules, and most of the rules say: You either have to sell them a Cadillac or nothing at all. What if you don't want a Cadillac? What if you want a Geo? The same is true with health insurance, and it is wrong. We should encourage those things.

It is not too late to change all of this. It would be a terrible mistake to move forward. This is not about defeating a President's agenda or wanting or rooting for it to fail. We do have a health insurance problem, and we should address it. What we are doing now is going to hurt an economy that is already struggling. There are people who will lose their jobs, lose hours at their jobs, paychecks will be cut, and they will lose the health insurance they are happy with. There are businesses in America that are going to be forced to absorb these costs by laying people off or raising prices or both. There are people who will lose coverage now and be thrown into exchanges that don't exist yet. This is a disaster. We should take the time to slow this down, and we will have a chance to do that in September.

I will repeat it. I, for one, will not vote for any budget that funds the implementation of this disaster and hurts people in this way. I hope my colleagues will put partisanship and pride aside and come together. The fact is that if ObamaCare goes through and begins to be implemented, it is going to hurt us in ways that are potentially irreversible. It is not too late to stop.

I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Iowa.

Mr. HARKIN. Madam President, I am pleased we are finally at the point where we can vote on the nomination of Thomas Perez to serve as Secretary of Labor. Indeed, it seems as though the most important question before us today has gotten lost in all of the debate. Will Tom Perez be a good Secretary of Labor? The answer is unequivocally yes. There is no question that he has the knowledge and experience needed to guide this critically important agency.

His outstanding work in Maryland as their secretary of labor has won him the support of the business community and workers alike. Here is a quote from the endorsement letter from the Maryland Chamber of Commerce:

> Mr. Perez proved himself to be a pragmatic public official who is willing to bring differing voices together. The Maryland Chamber had the opportunity to work with Mr. Perez on an array of issues of importance to employers in Maryland, from unemployment and workforce development to the housing and foreclosure crisis. Despite differences of opinion, Mr. Perez was always willing to allow all parties to be heard and we found him to be fair and collaborative. I believe that our experiences with him here in Maryland bode well for the nation.

That is a pretty strong endorsement by a chamber of commerce for a nominee whom the minority leader this morning characterized as a ''leftwing ideologue . . . willing to bend the law to achieve his ideological ends.'' That is what the minority leader said this morning. That grossly unfair characterization is manifestly inconsistent with the experiences of the Republican leaders and business leaders who have actually worked with Tom Perez. These people clearly disagree with the minority leader's assessment of Mr. Perez's qualifications and character. I am informed that the minority leader never met with Mr. Perez. Mr. Perez offered to meet with him, but the minority leader said no. Yet the minority leader comes down here and makes these kinds of judgments as to his character and his integrity?

We have heard a lot of discussion about the controversy surrounding Mr. Perez's nomination over the last couple of days on the Senate floor. His integrity and character have been viciously and unfairly attacked.

I take particular issue with the minority leader's suggestion this morning that Mr. Perez doesn't follow the law or believe it applies to him. I respectfully suggest that the minority leader needs to check his facts. Those allegations couldn't be more to the contrary. Tom Perez believes deeply in the law. He believes that all the laws on the books, especially those that protect our most important rights—the right to vote, the right to be free from discrimination in the workplace, the right of people with disabilities to live in their own communities—Tom Perez believes strongly that these rights should be respected and enforced. These are the same laws that I sometimes think some on the Republican side would like to forget are on the books, but these laws matter. Voting rights matter. Fair housing rights matter. The rights of people with disabilities matter. And Tom Perez has fought for that.

We shouldn't shy away from using every tool in our arsenal to strengthen our enforcement of civil rights laws. These laws are part of what makes our country great. I am incredibly proud of the work Mr. Perez has done at the Department of Justice to make these rights a reality again after years of neglect. He should be applauded, not vilified, for the service he has provided to this country.

He is a leader whose career has involved passionate and visionary work for justice. Yes, he has had to make difficult decisions. He has faced management challenges. As we now know, he has been the target of accusations, mudslinging, and character assassination. I have looked carefully into Mr. Perez's background and record of service, as the chair of the authorizing and oversight committee. I can assure Senators that Tom Perez has the strongest possible record of professional integrity and that any allegations to the contrary are unfounded. They are simply unfounded allegations. There is absolutely nothing that calls into question his ability to fairly enforce the law as it is written. There is absolutely nothing that calls into question his professional integrity, moral character, or his ability to lead the Department of Labor.

I am particularly disappointed that Republicans continue to raise concerns regarding Mr. Perez's involvement in the global resolution of two cases involving St. Paul, MN—the cases called Magner and Newell. I spoke about that at length, and Republicans have talked about it. This has been debated exhaustively. Quite frankly, there is nothing there.

This is an issue the HELP Committee and the Judiciary Committee have thoroughly examined and found no cause for concern. The House Oversight and Judiciary Committees have also thoroughly explored the underlying facts. In fact, both the majority and minority staff on the House Oversight Committee have released reports on the matter. What the reports revealed is that the evidence is clear—Mr. Perez acted ethically and appropriately at all times. Indeed, he had clearance to proceed as he did from the appropriate ethics officers at the Department of Justice. Noted experts in legal ethics have confirmed this.

There is no foundation for any allegation of wrongdoing by Mr. Perez in these cases involving St. Paul, MN. Yet they keep being drummed up. But they are just allegations. Anybody can make an allegation—especially here on the Senate floor. Members can make all kinds of allegations. I simply ask for proof. Back up those allegations. There is no proof. There is nothing to back up those allegations that somehow Mr. Perez acted unethically or in violation of law.

I am also deeply disappointed that my Republican friends are suggesting that Mr. Perez has been unresponsive to requests for information by Members of this body. Nothing could be further from the truth. Mr. Perez has been as open and aboveboard as he possibly can be with both my committee and Members of the Senate. He has met with any Member personally who requested a meeting. He requested a meeting with the minority leader, and the minority leader said no. He appeared before our committee in a public hearing. He answered more than 200

written questions. He bent over backward to respond to any and all concerns raised about his work at the Department of Justice.

This administration has also been extraordinarily accommodating to my Republican colleagues—especially to their concerns about Mr. Perez's handling of the Magner and Newell cases while at the Department of Justice.

The administration has produced thousands of documents. They have arranged for the interview of government employees and access to transcripts of inspector general interviews. They have provided access to Mr. Perez's personal e-mails. They have facilitated almost unprecedented levels of disclosure to alleviate any concerns. They have responded to every request for information, including the letter by Chairman ISSA that Senator ISAKSON submitted for the RECORD this morning.

I ask unanimous consent to have printed in the RECORD the response to Chairman ISSA's letter from the Department of Justice at this point.

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

U.S. DEPARTMENT OF JUSTICE, OFFICE OF THE ASSISTANT ATTORNEY GENERAL,

Washington, DC, July 15, 2013.

Hon. DARRELL E. ISSA,

Chairman, Committee on Oversight and Government Reform, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN ISSA: This is in response to your letter, dated July 8, 2013, to Assistant Attorney General Thomas E. Perez, regarding your request for emails that existed both in Mr. Perez's personal email account and in the Department's email system.

As we explained in our letters of June 21, May 10, May 3, and April 17, 2013, we have gone to great lengths to accommodate the Committee's stated oversight interest in the Federal Records Act and the availability of emails for other records requests. The mails in question that were in Mr. Perez's personal account had also, before your inquiry, already been sent to or from a Department email address and thus were captured by the Department's system pursuant to the Federal Records Act (FRA). Nonetheless, we invited Committee staff to view the date, sender, and recipient fields of these emails so that they could confirm this fact. Indeed, following Mr. Cummings' staff's review of the emails, he wrote to the Department to state that the review had allowed him to ''verify that [all the emails] were, in fact, sent from or received by official government e-mail accounts,'' which addressed his concerns. The substantive content of these emails is not pertinent to an inquiry into FRA compliance.

Only 5 communications initiated by Mr. Perez—and just 30 initiated by others—had not already been captured in the Department's email system prior to your inquiry. When he located these communications, Mr. Perez immediately forwarded them to a Department email address, ensuring that they are now in the Department's system. These 35 communications were made available for review by your staff.

As a result, as we explained in our letter to you on June 21, 2013, we believe that we have addressed your stated oversight interest.

Sincerely,

PETER J. KADZIK,

Principal Deputy Assistant Attorney General.

Mr. SCOTT. Madam President, I rise today to express my opposition to the nomination of Thomas Perez to be Secretary of Labor.

Given our relentlessly high rate of unemployment over the past 55 months and stagnant economic growth, we simply must do more to foster lasting economic prosperity. After analyzing Mr. Perez's role at the Department of Justice, I do not believe he is the proper candidate to help our Nation return to full employment or reach our economic potential. I have great concerns regarding some of the decisions he has made, the professionalism and ethics of those decisions, and his overall management abilities. The Department of Labor has, unfortunately, pursued guidance and rulemakings that are daunting to large and small businesses alike, and I believe Mr. Perez would only exacerbate these problems.

Mr. Perez accrued an alarming record of mismanagement and utter politicization of the law during his tenure at the Department of Justice, DOJ. The DOJ's inspector general 2013 report gave a highly critical review of the Voting Section under Mr. Perez, citing the ''politically charged atmosphere and polarization within the Voting Section'' and the ''dysfunctional management chain'' under Mr. Perez. Furthermore, the report indicated that the handling of the New Black Panther Party case under his leadership ''risked undermining confidence in the non-ideological enforcement of the voting rights laws.''

When I look at the nonpartisan inspector general report and the way in which Mr. Perez has pursued policies singling out certain conservative States and industries, I simply cannot support his nomination. The Voting Section's decision to override career DOJ staff to block the implementation of my home State of South Carolina's voter ID law is a prime example of this trend. Only after South Carolina spent more than $3.5 million suing the DOJ in Federal court did our law take effect. Yet, even on the heels of defeat in Federal court, Mr. Perez was still dissatisfied and decided to send DOJ officials down to monitor a special municipal election in Branchville, SC—a town with a voting population of 800 and where fewer than 200 people voted in the special municipal election.

Finally, I believe it is irresponsible and an abdication of congressional authority to move a nominee who has repeatedly failed to comply with an outstanding congressional subpoena. The House Oversight and Government Reform Committee issued a bipartisan subpoena on April 10, 2013, regarding 1,200 e-mails sent from Mr. Perez's nonofficial e-mail account that referred to official business of the Department of Justice. Mr. Perez's failure to comply with this obligation casts considerable doubt on the deference he would give to Congress as Secretary.

What we need at the Department of Labor is simple: a Secretary who will put politics aside and a strong management structure in place to help get our economy back on track. States, businesses, and employees cannot afford to have a Secretary of Labor who seeks to micromanage and politicize the most mundane aspects of everyday life. For these reasons, I oppose Mr. Perez's nomination.

Mr. MENENDEZ. Madam President, once again I wish to reiterate my strong support for Tom Perez, a man eminently qualified to serve our country as the next Secretary of Labor.

Tom Perez was cleared by the HELP Committee over 2 months ago and should have been confirmed soon after, but we know that wasn't the case.

I am glad that Leader REID was able to break the nominations logjam this week so that we could begin confirming some very deserving nominees, including Tom Perez.

Tom Perez is the quintessential public servant. He is a consensus builder. As Secretary of Labor in Maryland, he brought together the chamber of commerce and Maryland labor unions to make sure workers received the level of wages and benefits they deserved and business had the skilled workforce they needed.

Most recently, he has served as Assistant Attorney General for the Civil Rights Division of the Department of Justice, where he increased prosecution of human trafficking by 40 percent, won $50 million for servicemembers whose homes were improperly foreclosed on while they served, and settled the three largest fair lending cases in the history of the Fair Housing Act, recovering more money for victims in 2012 than in the previous 23 years combined.

He has spent his entire career in public service.

He is a Brown University graduate with a master's in public policy from the Kennedy School and a Juris Doctorate from Harvard Law.

He is an advocate for people with disabilities and won the largest ever disability-based housing discrimination settlement.

Tom Perez is a civil rights champion. He obtained the first convictions under the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act, and has always supported ending discrimination on the basis of sexual orientation.

Tom Perez is a good man and a good nominee. So let's do what we should have done a long time ago.

He is a qualified, competent, professional public servant, nominated by the President, and already confirmed by the Senate to the post he holds today.

As I said when I first endorsed Tom Perez, and I will say again today; he is an outstanding public servant, and I applaud President Obama for selecting him to be our Nation's next Secretary of Labor.

I have no doubt that he will continue the administration's efforts to create

jobs and get people back to work. Mr. Perez has dedicated his career to championing the rights of workers and all Americans, and I am confident that he will continue to do the same if confirmed.

As former Secretary of Labor in Maryland, Mr. Perez prioritized matching community colleges, labor unions, and the private sector to help get people jobs that are in demand today and in the future—an initiative that is much needed on a national scale, and something I have proposed in legislation that would close the skills gap by training workers with the skills needed to fill such jobs.

This is a remarkable nominee who brings a compelling personal story and a wealth of knowledge and leadership to the Department of Labor.

I am very pleased the time has finally come for good people like Tom Perez to get the up-or-down vote they deserve.

I urge my colleagues to vote to confirm this qualified nominee who has waited too long.

Ms. MIKULSKI. Madam President, I rise in support of one of Maryland's favorite sons, Mr. Tom Perez, the President's nominee to lead the Department of Labor. Mr. Perez has been the Assistant Attorney General for the United States and has also been Maryland's Secretary of Labor and Licensing and also was a member of the Montgomery County Council. All three of these jobs show his expertise and his ability to navigate some very complex situations. I believe he is the right man for the job.

I support his nomination, not only because he is one of Maryland's favorite sons, but because I believe he brings integrity, competency, and commitment to the mission of the Department of Labor.

His resume is outstanding. A Harvard Law School graduate. He has served in public service at the Federal, State, and county levels and he has a commitment to the mission of each agency.

In terms of personal background, it is really the story of America. His father came to this country under very difficult circumstances. His grandfather was one of the leaders of the voices of freedom in the Dominican Republic—punished for that and declared a persona non grata. But his father was able to stay in this country as a legal immigrant, go on to military service, and become a physician. And to show his gratitude to this country, he worked only for the Veterans Administration serving the country that saved him and his family.

Tom grew up with public service in his DNA. His father died when he was a young boy and he will tell that compelling narrative, but through the dint of hard work, a loving mother, and a nation that offered opportunity—he was able to work his way through school, get the scholarships, worked even as a trash collector during summer break to be able to advance himself.

He knows what the American dream is, but he also knows what hard work is, and he knows what an opportunity ladder we need to have in this country.

But in addition to that, he brings a great deal of skill—we know Tom at the Montgomery County Council level where government is closest to the people had to really govern best. And it is a complex, growing county where you had to work with public-private partnerships.

I admire Tom so much for his work as head of the Maryland Department of Labor. They now have a letter in the RECORD recommending Tom to be the Secretary of Labor. Why? Because he listens, he learns, and he brings everybody to the table for a pragmatic, fair, and collaborative work.

That is how he earned support from worker advocates and many of the Maryland's largest employers, the Maryland University System, the Maryland Association of Community Colleges, the Maryland Minority Contractors Association, and the Greater Baltimore Committee.

I am confident Tom Perez will be an excellent Secretary of Labor. I know he will be a strong voice for the working class and for keeping the government on the side of the people who need it. I urge my colleagues to support his nomination.

Mr. LEAHEY. Madam President, today the Senate will finally proceed to a confirmation vote on the nomination of Tom Perez to serve as Secretary of the U.S. Department of Labor. This vote continues the progress we made on executive nominees this week following our bipartisan caucus on Monday night. I am pleased that six Republican Senators joined with Democratic Senators to invoke cloture on this nomination on Wednesday, and now we can proceed to getting this well-qualified nominee confirmed to lead the Department of Labor.

Tom Perez is a dedicated public servant, and since 2009, he has worked hard to restore the reputation of the Civil Rights Division at the Justice Department. This was no small task after the prior administration had amassed one of the worst civil rights enforcement records in modern American history. Under the leadership of Attorney General Holder, Tom Perez has guided the Civil Rights Division back to its core mission of vigorous civil rights enforcement. He has many accomplishments to be proud of under his stewardship of the Division. Among them is his successful implementation of legislation I offered in the Senate, the Shepard-Byrd Hate Crimes Prevention Act, which was signed into law by President Obama just after Tom Perez was confirmed as the Assistant Attorney General for the Civil Rights Division in October 2009. Under Tom Perez's leadership, the Division implemented this important law and brought several important hate crimes prosecutions. Under his leadership, the Division has also been vigilant in protecting American homeowners against discriminatory predatory lending, and in protecting our men and women in uniform from foreclosure by lenders while overseas on active duty. He also led the Division to expand the number of human trafficking prosecutions by 40 percent during the past 4 years, including a record number of cases in 2012.

I have no doubt that Tom Perez will bring to the Labor Department the same leadership and commitment that he brought to the Civil Rights Division, and our Nation will be better for it. As a former Secretary of Labor in Maryland, and a fierce defender of workers' rights and civil rights, he is uniquely suited to serve in this important post at a critical time.

Mr. HARKIN. Madam President, I ask unanimous consent for 1 more minute to conclude my remarks.

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

Mr. HARKIN. In short, the Department of Justice has made all e-mails available for review. It is true Congressman ISSA has continued to repeat his requests, but that doesn't mean Mr. Perez and the administration have not been responsive, because they have.

The fact is this nominee has been more than thoroughly vetted. He has the character and the integrity and the expertise to lead the Department of Labor. The President has chosen Mr. Perez to join his Cabinet, and there is absolutely no reason why the Senate should not consent to this choice.

I am proud to support Mr. Perez's nomination. He will be an asset to the Department of Labor and to our entire country. I look forward to the opportunity to work with him in his new position to help all working Americans.

I yield the floor.

Mr. RISCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Thomas Edward Perez, of Maryland, to be Secretary of Labor?

The clerk will call the roll.

The assistant bill clerk called the roll.

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 178 Ex.]

YEAS—54

Baldwin	Franken	Markey
Baucus	Gillibrand	McCaskill
Begich	Hagan	Menendez
Bennet	Harkin	Merkley
Blumenthal	Heinrich	Mikulski
Boxer	Heitkamp	Murphy
Brown	Hirono	Murray
Cantwell	Johnson (SD)	Nelson
Cardin	Kaine	Pryor
Carper	King	Reed
Casey	Klobuchar	Reid
Coons	Landrieu	Rockefeller
Donnelly	Leahy	Sanders
Durbin	Levin	Schatz
Feinstein	Manchin	Schumer

Shaheen	Udall (CO)	Warren
Stabenow	Udall (NM)	Whitehouse
Tester	Warner	Wyden

NAYS—46

Alexander	Enzi	Moran
Ayotte	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Heller	Rubio
Chiesa	Hoeven	Scott
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Thune
Collins	Johnson (WI)	Toomey
Corker	Kirk	Vitter
Cornyn	Lee	Wicker
Crapo	McCain	
Cruz	McConnell	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The Senator from California.

NOMINATION OF REGINA McCARTHY TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Mrs. BOXER. Madam President, I ask that the Senate resume consideration of Calendar No. 98, the nomination of Regina McCarthy to be Administrator of the EPA.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. will be equally divided in the usual form prior to a cloture vote on the McCarthy nomination.

The Senator from California.

Mrs. BOXER. Madam President, as chairman of the EPW Committee, this is a day I have longed for for a long time. This has been the longest time the EPA has been without an Administrator in all of history. We could not have a more qualified nominee. We could not have a more bipartisan nominee.

The bottom line is Gina McCarthy has worked for five Republican Governors. She is a beloved individual. I wish to thank so many outside of this body who have weighed in on her behalf, including Christine Todd Whitman, the former Republican Administrator of the EPA, and Gov. Jodi Rell. It has meant a lot to Gina McCarthy. It has meant a lot to us who know that the EPA deserves a leader, and this woman Gina McCarthy deserves a promotion.

I will be back on the floor in about an hour or so just to make some more brief comments. But I wish to thank my colleagues from both sides of the aisle. We did avert a tough challenge for both parties. We averted that. I am very happy we did. One of the benefits of that agreement is we are having votes on people as qualified as Gina McCarthy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask unanimous consent that after my remarks, Senator REED be recognized for up to 15 minutes.

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

Mr. SESSIONS. Madam President, I would like to talk about the nomination of Gina McCarthy to serve as Administrator of the Environmental Protection Agency. I had the pleasure of meeting with her earlier in the confirmation process and talking with her at length about many important issues. She is experienced. I believe she is a good person. She has given her assurance that EPA would become more responsive—at least my interpretation of her response would be that—and her management has been encouraging.

However, the Environmental Protection Agency appointment is no small matter. The job of EPA Administrator has the potential to impact the life of every American in both positive and negative ways. For example, in the 1970s, Congress passed the Clean Air Act. It focused on pollutants. We were talking about NO_X and SO_X, sulphur oxide, nitrogen oxide, particulates, things that adversely affect the health of Americans.

At that point in time, we had no dream in our mind of a problem—global warming—that might arise and become a big issue in the future, nor did Congress have any inclination that carbon dioxide, plant food, that product in the atmosphere that plants take in and breathe out oxygen—we breathe in oxygen and out CO_2—would be declared a pollutant.

By a 5-to-4 decision, the Supreme Court seemed to declare that, although it was not absolutely mandatory, EPA could regulate CO_2 under the Clean Air Act. EPA has seized that authority. They say that, for example, CO_2 is a pollutant. Congress has never voted to declare CO_2 a pollutant. I believe it is a stretch and an abuse of the Supreme Court's authority to interpret the law we passed in the 1970s as including that.

If CO_2 is a pollutant, as the EPA now assumes and asserts it is, every backyard barbecue, every lawnmower as well as every factory and plant in America is subject to their control because they are required to limit and control pollutants. This is how things happen in America.

So we have an unelected bureaucracy, the Environmental Protection Agency, virtually unaccountable to the public, often refusing steadfastly to produce reasonable answers to inquiries put to them by the Congress. They dictate matters that impact every person in America. It is an awesome power. It is something too little discussed in America.

I am going to talk about another subject briefly. I understand Ms. McCarthy and her experience. She is going to be elevated now from EPA's Air Office, where they have been hammering coal, hammering natural gas, and other fuels, carbon fuels, in their regulations to a degree that it is driving up the cost for every American to obtain energy, their electricity, their automobiles, and the heating in their homes.

I wish to focus for a few minutes on a central problem at the EPA: its disregard for Congress, the law as written, and the use of unlawful agency guidance.

Agency guidance. These are documents they issue to effectively rewrite the law in a way that favors the administration's policies and political agenda. That is what we are seeing too much of. People say: Oh, they just do not like the EPA. All of these complaints from farmers and businesses, it is all just overreaction. Those are guys who want to pollute the atmosphere and the farmlands and do all of these things. They are not reasonable people.

Most Americans are not dealing face-to-face with the guidance, the regulations of the EPA officials who attempt to dictate so much of what they do. There is perhaps no better illustration of the dynamic than in the context of the administration's effort to grasp control over every ditch, stream and creek and pond in the country.

We actually had a vote on this issue in May during the debate on the Water Resources Development Act. I joined with my colleague Senator BARRASSO in introducing an amendment, the Barrasso-Sessions amendment No. 868 to the Water Resources Development Act. A clear majority of the Senate, 52 Members, voted for our amendment that would stop EPA from implementing an agency guidance document that would vastly expand the Agency's jurisdiction over the Clean Water Act.

So they issue a guidance, direct it to all of their subordinates, and tell them how the law is to be enforced. So actually it becomes a new law; it becomes the effect of an actual statute. First, the problem with what they have been doing is it is contrary to the plain reading of the statute, the Clean Water Act.

This law, enacted in 1972, requires a Federal permit for activities impacting navigable waters—navigable waters. That is what is in the statute, which Congress has defined as waters of the United States. EPA's guidance document broadly interprets this term—broadly interprets it and would give Agency employees throughout the country the authority to make case-by-case determinations with virtually no jurisdictional limits whatsoever.

I recently asked Ms. McCarthy about this issue. She did not detail her views. She would not answer specific questions.

The Supreme Court has ruled several times on the meaning of this jurisdictional term, most recently in its 2006 decision, just a few years ago, Rapanos

v. United States. That 4–1–4 decision—which, I think the Chair did not often see in her State when she was attorney general, not often did I see that, a 4–1–4 decision. The Supreme Court held that the Army Corps of Engineers overreached by asserting jurisdiction under the Clean Water Act over nonnavigable wetlands in that case.

On behalf of the four-member plurality comprised of Justices Roberts, Scalia, Thomas, and Alito, Justice Scalia wrote that ''waters of the United States'' include nonnavigable wetlands only if there is an ''adjacent channel [that] contains a . . . relatively permanent body of water connected to traditional interstate navigable waters.'' That is stretching it pretty far, is it not?

So at least there is a stream that is supposed to be connected to some navigable water. Further, Justice Scalia concluded ''the wetland has a continuous surface connection with that water . . . '' So there is at least some continuous connection to the water. It does not just dry up for most of the year and only have water in it when it rains heavily. The opinion of Justice Scalia is, to me, in line with the Clean Water Act's original meaning of the term ''navigable waters.'' The key swing vote was provided by Justice Kennedy, who joined Justice Alito, making five votes and remanding the Army Corp's decision in that case but under a different interpretation of ''waters of the United States.''

With Justice Kennedy's concurrence, five of the nine Justices rejected the idea that the EPA and the Army Corps have unlimited jurisdiction over anything wet in the United States. As a result, in 2008, EPA, under the Bush administration, issued a guidance document explaining the Agency interpretation of ''waters of the United States'' in light of the Supreme Court decision. That document did not seek to expand the Agency's decision or change existing regulations.

Rather, in that guidance document, the Agency adopted a reasonable view that recognizes the need for a significant nexus to traditional navigable water, so a connection at least to navigable water. We call them branches in Alabama. Sometimes they dry up. They are not a navigable stream. However, soon after entering office, the Obama administration sought to replace that 2008 guidance document, expanding their power with a guidance document, even though there had been no intervening Supreme Court case. They submitted a guidance document that would vastly expand the Agency's assertion of jurisdiction and power.

A second problem with EPA's approach is that their approach is contrary to the principle of cooperative federalism, which was foundational to the enactment of the Clean Water Act from the beginning. That principle recognizes that there must be a strong partnership between the Federal Government and the States if we are to address environmental challenges.

One way the law recognizes this approach is through giving a limited role for the Environmental Protection Agency. The States have the primary responsibility for protecting water quality, not the EPA. Water is primarily to be protected by the States. This was contemplated in the Clean Water Act.

But EPA's guidance document would seek to involve EPA in a wide range of permitting actions that should otherwise be left to the States. I believe this guidance is based on a false premise that water quality is protected only by EPA—only they can be trusted, not the people who live in the States where the water is. So, finally, EPA is circumventing Congress by using a guidance document to rewrite the law.

For those reasons, I will be continuing to work on this issue. It is very important in our EPW Committee. I would urge the Senate to act to stop the power grab by EPA. As I noted, a majority of the Senate has voted for that but did not receive the 60 votes required for passage.

I am disappointed, to date, that Ms. McCarthy has not agreed to push back and back down from the aggressive bureaucratic power grab that has come to define this administration's use of EPA. There are many more problems within the Environmental Protection Agency. They are unelected. They have used powers Congress has never explicitly given them to regulate virtually every aspect of the American economy.

I hope Ms. McCarthy will do a good job if she is given this position, but she serves at the pleasure of the President. She will take her lead from him. It is quite clear he has no intention of constricting the expansion of EPA power but indeed is behind expanding it to the fullest extent he can achieve. That is very troubling.

I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Rhode Island.

STUDENT LOANS

Mr. REED. Mr. President, over the last few weeks many of my colleagues have been engaged in a very serious, very deliberate, very thoughtful attempt to deal with the issue of student loan interest rates, which doubled July 1 for subsidized loans. They have contributed significantly in terms of trying to move this issue forward to reach a thoughtful and appropriate conclusion.

From what I have heard, under their approach—the Bipartisan Student Loan Certainty Act of 2013—I don't think, despite the good efforts and good intentions, that they have reached the objective, which is to make college affordable for all of our students and to somehow try to prevent this tidal wave of student financial debt, which is in some cases overwhelming to so many students and families across the country. Instead of emphasizing the students, I think what they have done is just tried to shield the government from investing in those students.

The clear impact of the legislation that is being proposed is that it will increase the cost of education for students. We were in a position where we legislatively reduced the rate to 3.4 percent. We had an extension for 1 year to this July. It doubled to the previous rate in existing law of 6.8 percent.

What this proposal does is to keep the rate relatively low at first—although it goes up a bit higher than the 3.4 percent—but invariably, mathematically, it gets very high. They have placed some caps there—and that is something for which I salute the authors, their efforts to put caps on the different programs—but those caps are very high also.

The inevitability is that the one sure thing is that over the course of the next few years, students will pay more for higher education at a time when they can afford it less and less and at a time when we need more fully qualified graduates to take the jobs of this new century to be competitive internationally.

I think we have before us, despite all these great efforts, legislation that will shift more and more costs to students. Instead of preventing the doubling of these rates to 6.8 percent, it would gradually raise these rates above 6.8 percent. We might see 1, 2, or 3 years of rates that are relatively below that number, but inevitably, mathematically, those rates will go beyond 6.8 percent, and the caps are rather high.

High school students of today will be paying a lot more for their student loans, and their families will be paying a lot more. It will add to the debt of these students and their families. It will restrict their ability to become not only qualified workers in our economy but also the people who drive the economy, young people who buy homes, buy automobiles, and who are able, because of their skills, to earn enough to contribute not just to the productivity of the country but their own ability to make purchases and keep that engine of the economy moving forward.

There is no real guess as to what level it would go up to because now we are moving away from fixed rates and moving toward an adjustable-rate. The rates have been pegged to a 10-year Treasury bill—a rate that we know is going up. It has gone up nearly 1 percent since just May, and in this environment it is likely to continue to go up. The rate students could pay could rise much more quickly than the projections even that CBO is suggesting. It could rise because of Federal Reserve policy. If they decide to unwind quantitative easing, and in such a way that rates shoot up, then those rates could spike very dramatically.

Students and advocates have raised their voices loud and clear urging us not to take this kind of action. They have said that no deal is better than a bad deal. The people we are trying to

help are actually saying: No, that is not the kind of help we need.

With deep regret, I believe this is not the right approach going forward. What the students and advocates have asked us to do is to keep it at 3.4 percent. I have proposed legislation to do that for a year so that we could work on some of the fundamental issues that are driving costs, such as the incentives and disincentives in colleges for tuition; the issue of—which is separate but very important—how we not only provide reasonable interest rates but how we refinance all those students who are overwhelmed by debt, how they take advantage of the historically low rates of today. All of those difficult issues are being put off. I think they should be engaged, and I think we need the time to engage on those issues.

Unlike the approach of at least another year of 3.4 percent, the proposal before us would lock in about $184 billion in student loan revenue. That is in the current CBO baseline. Then there is an additional $715 million that this proposal would generate. All of that is coming out of the pockets of students and families.

Paying for college is tough. This legislation, unfortunately, could make it tougher because it would put in a permanent structure for setting student loan interest rates that could quickly result in students and parents paying more for student loans. This is not a temporary fix to get us to a better place in terms of incentives for tuition, in terms of refinancing, in terms of letting students more actively and more affordably pursue college education; this is the long term.

It is simple math. In a zero budget environment—and that is one of the principles incorporated in this legislation—reducing what students pay today means that students will have to pay more tomorrow. If we are assuming a 6.8-percent fixed rate over 10 years and we lower that rate, as this legislation does, then just do the math—it is going to have to be higher to keep it zero or neutral with respect to the budget, and that is what is going to happen. So we are going to have some relief today, but it will be followed inevitably by students who will pay more and individually have a much larger burden to bear.

I think we are in the position of taking steps that are going to make college more expensive at a time when we have to make it more affordable not only for individual families and students but for the future and success of our economy.

We are also departing from our past experience with market-based interest rates in the Federal student loan programs. This proposal also locks in historically high surcharges on top of basing the loans on a higher cost instrument. Previously we were using the 91-day T-bill, and because it was a short-term note, the interest rates were lower relative to the 10-year note. Now we are using a much higher baseline, and then we are adding historically higher premiums to that baseline for graduate students and parents. So the legislation builds in additional costs that we haven't used even when we had rates that were based on market conditions.

Under the market-based rates that were in effect from 1998 to 2006, students benefited from historically low interest rates. These rates were indexed, as I said, at the lower 91-day Treasury bill rate rather than the 10-year Treasury bill rate. As I mentioned before, we already know this 10-year Treasury bill rate is moving up.

We are making these changes from the perspective of interest rates at exactly the wrong time—at the bottom of the interest rate curve as it starts its climb up. That argues, to me—and, frankly, I think most people, if they were going to make a choice on a loan today, would try to pick a fixed rate, even if it was a little higher than the introductory rate on a variable loan, because of the experience of the last several years and because of what they are seeing all around them—rising interest rates over time.

This year, borrowers who are repaying these loans—I am talking about the loans that were made in that period of time, 1998 through 2006—have an interest rate of 2.35 percent, and over the last 5 years their rate averaged 2.41 percent. They have benefited from the declining rate. They have benefited from the huge expansion of Federal Reserve quantitative easing. They have benefited from an economy that slowed down, ironically, so that interest rates were falling. Now we are on the other side of that curve, and students won't benefit from the market rates. They will actually see higher rates as we go forward.

We offered these rates in the context of the old program where we had to also subsidize banks. Today, I would think, with the banks out of the picture and with the government, through direct lending, doing the lending, we should be able to find a solution where we can actually lock in much lower rates for students. This is the kind of solution that will take time—the time, I believe, that we could have spent and should spend by extending the 3.4 percent rate another year and looking creatively and thoughtfully at a whole spectrum of issues but with the goal of trying to give students and families the assurances that they can afford college and also that college will be affordable in the sense that the cost of college will start coming under some type of control. That takes a lot of work, and we are not doing that work today. Instead, under this proposal, we are adopting a rate structure permanently that, because of where we are in the economy, will invariably mean that students will pay more and more each year.

I have mentioned before that because of the great effort of some of my colleagues—Senator MANCHIN, Senator KING, Senator ALEXANDER, Senator BURR, Senator DURBIN, and Chairman HARKIN, I could go on and on—there have been some improvements made in the initial version of this legislation, particularly caps on individual loan programs. Those caps are very high. Under the new proposal, the cap for the undergraduate loans is 8.25 percent, and then there are caps that go all the way up to 10.5 percent. Again, let's step back here. We are putting a cap at those levels because there is a reasonable expectation that we will reach those levels. As a result, we are going from the current law, which is 6.8 percent, to as high as—in some cases for parent loans—10.5 percent. This is a huge swing not in favor of the students but to their disadvantage.

This is why I am working on an amendment, which I hope to offer, that would put the cap at 6.8 percent for all Stafford loans and at 7.9 percent for the parent PLUS loan.

Again, if we are looking at a fixed rate of 6.8 percent and we can't do better than that 2, 3, 4, 5 years from now, we have to ask ourselves whether we really need to make these changes or whether we should make these changes.

If we adopt the amendment I propose, at least we are telling parents they won't be worse off than current law and they will be better off—because of interest rates at the moment—in the next several years. I hope we can do that.

We are looking at Federal student loan debt that is over $1 trillion. This can only mathematically increase that debt. We should be investing in our students, giving them the benefit of relatively low-cost loans so they can go to school, get on with their lives, and get our economy moving again.

This is also an issue that goes to one of the core issues we face as a country, and indeed it is a core issue across the globe—the growing inequality of income and, in a sense, opportunity in our country and countries across the globe.

In the United States, the great engine for opportunity has always been education. If we make it more expensive, then fewer people can take advantage of it. If fewer people take advantage of it, the inequality will grow because they won't have the chance for the good-paying jobs. By the way, in a competitive global economy, we could see our position slip because we don't have these talented people.

So this is an issue that strikes not only at the technical aspects of a program, this goes to the heart of what it is that gives opportunity to America, and I believe it is education. I believe that if we make it expensive, fewer opportunities will be available. If we make it expensive, we will be less productive and less competitive.

I believe that despite the efforts of extraordinarily talented and dedicated colleagues, we can do better and we should do better. As such, I reluctantly

oppose the underlying legislation. I would at least hope we could cap it if the amendment I offered would be accepted.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I think we are going to have a cloture vote in the early afternoon, and I wish to share a few thoughts. The nominee, Gina McCarthy, is a fine person.

I have been on the Environment and Public Works Committee since I came to the Senate in 1994. In fact, when the Republicans were in the majority, I chaired that committee, and then, as a minority, I was the ranking minority member. So I was there when Lisa Jackson was the Administrator of the EPA—someone I had a great deal of respect for. In fact, some of my Republican friends criticized me. I was the only one who really liked her because, in spite of the fact we disagreed with each other philosophically, she always answered honestly, even when it was uncomfortable for her to do so.

I remember one time I asked her a question during a hearing that was live on TV, as our hearings were at that time. We were talking about one of the cap-and-trade bills that had come up. I don't know how many we have had—10 or so in the last 12 years. I asked her: If you really believe—which I don't—that CO_2 is bad, it is a pollutant and all that—if we were to pass this cap-and-trade bill, which is going to cost in the range of between $300 billion to $400 billion—with a ''b''—would that reduce worldwide emissions of CO_2? She said: No, it wouldn't.

The reason is very obvious. People hide from this. They are not honest, as she is. Obviously, if we just do this in the United States, where we already have emission controls on a lot of pollutants, but they don't do it in China and India, they don't do it in Mexico, then it is not going to reduce CO_2. In fact, the reverse would be true. It would have the effect—if we only had limitations on CO_2 in this country—of causing an increase in CO_2 worldwide because our manufacturing base and others would go where the energy is and that would be to countries such as China where they don't have any controls on anything.

A lot of people say: Oh, well, they are waiting for us. They are going to follow our example. That is garbage. What the Chinese want to do, they are waiting, anticipating, hoping, and praying we will start having restrictions on our emissions because they know our manufacturing base will end up going over there.

Here is another thing I can remember also. One of the problems I have with the United Nations is they are trying to become independent. It just kills them every time they have to say or do something because we threaten to withhold our contributions to the United Nations. So they have been attempting for a long period of time to get themselves in a position where they are self-supporting and they do not have to be answerable to anyone or accountable to anyone. Consequently, they are the ones who started this whole global warming matter.

If you follow through, going all the way from the Kyoto convention of 12 years ago and up through all these bills, all these pieces of legislation, they are the ones, if that becomes a reality, we will have to turn to. All of a sudden they will have a source of income, so they will not have to be dependent upon the United States, which pays 25 percent of their bills, or any of the other countries.

One of the things the United Nations does and has been doing for 10 years or so—I guess longer than that—is they have the biggest party of the year in the most exotic places in the world they can find to have these parties, and they invite all the countries—192 countries—to come to it. When they have these big conventions, the only price of entering is to agree with the concept of global warming and that you are going to start restricting your CO_2. Obviously, these countries are not going to do it, but it is worth lying to be able to go to the party.

The biggest one of those parties was held in Copenhagen in 2009. At that time, Lisa Jackson was the Administrator at the EPA. Quite frankly, I don't wish to be disrespectful, but all those who attended from the United States—and I am talking about John Kerry, the President, BARBARA BOXER, NANCY PELOSI, and all of them—had said: Yes, the United States of America is going to pass cap and trade. We will be right there with you.

That wasn't true and they knew it wasn't true. So I decided to go there. In fact, I went all the way there, stayed 3 hours, and came all the way back, as the one-man truth squad.

I can recall right before I left to go to Copenhagen we had a hearing and Lisa Jackson was a witness at the hearing, and I said to her: It is my feeling, as I leave to go to Copenhagen as the one-man truth squad, to let them know we are not going to pass anything over here, and since you know we can't get this done legislatively, that you are going to have an endangerment finding in the United States and then use that as an excuse to pass with regulation what you couldn't do with legislation. She kind of smiled. I could tell that was going to happen. I said: When this happens—when I leave town and you come out with an endangerment finding—it has to be based on science. So what science will you use?

She said: The IPCC. The IPCC is the Intergovernmental Panel on Climate Change, and the Intergovernmental Panel on Climate Change is the United Nations. They were formed by the United Nations. They were formed and stacked with scientists who were all preprogrammed to believe all this garbage, and they did.

Then something happened, and it couldn't have happened at a better time because it wasn't but a few days after Lisa Jackson had said we were going to be depending upon the IPCC. Here we were, preparing to pass the largest tax increase in the history of America, and doing it through regulations, which was the same thing as cap and trade, only more expensive, and it was going to be based on science and that science was the IPCC. It wasn't but hours after that when climategate came in—and all of a sudden the things we had been saying for 10 years on the floor in talking about the scientists who had been shut out of the process at the United Nations—and they were totally discredited. They had cooked their science, cooked the numbers, and climategate was the result. It was so bad the major newspapers in London characterized it as the greatest single scientific scandal in the history of the world. Now, that is a big deal.

Anyway, that went on, and then they started working on doing this through regulation since they couldn't get it done through legislation. The reason I bring that up is because during that timeframe, while Lisa Jackson was the Administrator of the EPA, Gina McCarthy, the one who is coming up for a cloture vote in maybe an hour or so, was the Assistant Administrator of the EPA in charge of air issues. What went on during that time were these huge punitive things.

We can forget about the greenhouse gases or the cap and trade they are going to be coming up with, even though that is the largest of all of them, they passed Utility MACT. MACT means maximum achievable control technology. What Utility MACT does is ask the question: What technology is out there to restrict and to reduce emissions? What technology? So what they have done in Utility MACT is put a restriction on emissions—and this was impossible technologically to achieve, but the whole idea was to run coal out of business. Quite frankly, they were able to get it through.

I remember at that time there was this little provision that isn't very often successfully used, but it is called the CRA—the Congressional Review Act. That provision says if an unelected bureaucracy that is not accountable to anyone comes out with regulations that are so onerous, so bad that it is going to be very costly and is something that doesn't make any sense, then we in the Senate and House can do a CRA—a Congressional Review Act. We have to get 30 cosponsors—30—and then we have to get a majority—51 in the case of the Senate—to pass it. I did a Congressional Review Act on the Utility MACT, which was to cost us $100 billion and 1.65 million jobs. These numbers, by the way, are not denied by anyone, to my knowledge.

So there we were, in a position to get this through. I got my 30 cosponsors and we came within 2 votes of getting it done. So the CRA is something where it does inject something to reflect the will of the people, because we

are elected by the people, and we came very close to doing it. Nonetheless, that is now a law, and there are millions of people out there—right now in excess of 1 million people—who have already lost their jobs because of that.

Boiler MACT is the same thing—maximum achievable control technology—for a boiler. Every manufacturer has a boiler. So this would do the same thing to manufacturers as Utility MACT did to coal. That involved $63.3 billion and 800,000 jobs lost.

The next was cement MACT. That would have been—here they are on the chart. Cement MACT is one that would cost $3.5 billion and 80,000 jobs. That is already implemented.

If ozone, the next one, should come up, that would perhaps be even more serious than the top 3—second only to greenhouse gases—and that would mean 2,800 counties in the United States would be out of attainment. In my State of Oklahoma, we have 77 counties. All 77 counties would be out of attainment.

I can remember when I was mayor of Tulsa, Tulsa County was out of attainment. That meant we couldn't recruit jobs, we couldn't start new industries, and we had to fire a lot of people who were working there because we were out of attainment in ozone emissions.

That had been delayed until after the election. Now that the election is over, they can go ahead with some of these they hadn't done before.

Hydraulic fracturing. I have talked from this podium I don't know how many times about the President's war on fossil fuels. It is critical. Here we are in a position in the United States where we can be totally independent of any country—the Middle East or anybody else—if we only will use our own resources, but we don't do that. We are in a position right now where we have, in the last 4 years, increased our production by 40 percent because of getting into the shale areas and the tight formations and using hydraulic fracturing to extract the oil and gas. But that is all on either State or on private land. On Federal land, because the Obama administration will not let us drill on Federal land, it has actually decreased by 7 percent. Is that possible, to increase all of our production by 40 percent except that part which is on Federal lands? Yes. In fact, that is exactly what has happened.

When they talk about hydraulic fracturing, this is something that has been regulated by the States, and there is a reason for that, by the way. The reason is my State of Oklahoma has different formations than Alaska, for example, or now with the Marcellus, going through Pennsylvania and New York. That is different—different depths. So the regulation has been very successful. The first hydraulic fracturing job was done in my State of Oklahoma in 1949, and there has never been a case of groundwater contamination in over 1 million applications of it.

Again, this gets back to Lisa Jackson. I asked her that question, when I asked: Has there ever been a confirmed case of groundwater contamination from hydraulic fracturing? She said: No, there hasn't been.

That is the kind of honesty I like in the answers we get. The only reason I bring that up is the President is trying to use hydraulic fracturing. He will stand, as he did in the joint session, and say: We have an abundance of good, clean, cheap natural gas, and that is what we need to be turning to, but we have to do something about hydraulic fracturing. We can't get to the natural gases necessary without using this technique called hydraulic fracturing. So they are trying to kill it that way.

I could go on and on—this is on this chart behind me—but the only reason I bring this up is we do have a vote coming up on a very fine lady, Gina McCarthy. But we have to keep in mind when all these air regulations were conceived, they were done when she was the Assistant Administrator of the EPA for air. These are all air regulations. So she is certainly more than just partially responsible for that. She was the engineer of all these regulations.

If we add up all of these regulations, the total figure we had—do we have it on the chart? It was the NAM that did a study that no one has challenged, where they say we now, just because of these air regulations—what we have done already exclusive of cap and trade—have lost $630 billion from our GDP and 9 million jobs have been lost.

That is how critical this is to our economy. That is how expensive it is. All these things translate into taxes. I do a calculation every year. In my State of Oklahoma, the $300 billion to $400 billion would cost the average taxpayer in Oklahoma $3,000. Yet, by their own admission, the greenhouse gas cap-and-trading CO_2 would not reduce CO_2 emissions at all. I am sure a lot of people have been notified by their manufacturers and businesses back home: We can't allow the increase of cost of all these regulations, so we want you to oppose it.

Two votes are going to take place today. The first is the cloture vote. It takes 60 to pass a cloture vote. The next vote, if they should be successful to have cloture, will be the vote to put her into office. That would be only 51 votes.

I hate to say this about my fellow Senators, but I know there are going to be some Senators out there who say, I will fool the people back home; I will vote against her confirmation, but I will go ahead and vote for cloture, because they have to have my vote to reach 60. So they vote for cloture, and then, to make the people at home think they are against all these regulations, they will vote against her. I am predicting that is going to happen. We will know in a couple of hours.

The second vote is not important. The only important vote is the cloture vote. The cloture vote would be the first one that comes at 2:30 today. So you are going to see a lot of people voting for cloture and then end up voting against her. That is what there is to look for.

This will be the last time I say this; tThat is if you really want to do something about the regulations and you feel she has demonstrated she will not be helpful in this respect, the one important vote is going to be the cloture vote that takes place at 2:30 this afternoon.

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

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

Mr. COATS. Mr. President, we are about to vote on a new Administrator for the Environmental Protection Agency. I have a real problem with the individual who has been nominated to direct that Agency. I will cast my vote shortly, but I want to take the opportunity here to talk about the EPA, an Agency that I think has exceeded the authority given to it by this body, it has overstepped its role and its bounds, and has had an enormous negative impact on my State and on our country.

The overreach, the regulation after regulation and rule after rule that has come out of EPA may have achieved some benefit in some places, but these benefits have come nowhere close to exceeding their costs.

The Competitive Enterprise Institute totals EPA regulations at roughly $350 billion a year, making it the single most expensive rulemaking agency in government. This is particularly relevant now, because a vote on the new Administrator is before us and I think it is important that we focus on what the EPA's impact has been over the last 4 or 5 years and what the EPA rules and regulations have imposed upon our economy.

Whether it is the war on fossil fuels, whether it is the war on the production of energy, or any of a number of other issues that have been brought forward through their rules and regulations, the EPA has had a serious negative impact on our ability to be an energy-secure, energy-efficient, and low-cost Nation.

Our country has taken great strides to improve air quality over the years. To date, the utility industry has spent over $100 billion in capital investment for air pollution controls which have resulted in significant declines in emissions. By singling out these providers and effectively prohibiting coal-fired electricity generation, the administration is putting our economic well-being, grid reliability, and American jobs at risk.

Air quality and energy production don't have to be at war with each

other. They don't need to be incompatible. We can, and must, achieve both. But we also must have some flexibility and transparency from this administration and its rulemaking agencies if we are going to accomplish that goal.

I applaud my colleague from Louisiana, Senator VITTER, for his persistence in seeking responses from the EPA. So often this Agency researches benefits and secondary benefits but does not reveal a detailed economic analysis of the true costs associated with their rules. Senator VITTER's work in getting a commitment from the Agency to convene independent economic experts to examine the Agency's economic model is something that I believe needs to be done.

I think the administration should welcome this, because we are trying to find that balance between putting people back to work, getting our economy moving again, and imposing, yes, necessary health and safety regulations but not one at the cost of the other. These can be compatible.

Senator MANCHIN and I, on a bipartisan basis, have sought not to give the electricity coal-fired plants across our country—and many of which are in our respective States—an excuse not to comply with the clean air laws, but simply to extend the time in which they are mandated to bring new pollution control measures onboard. Some of these industries are halfway through the production process of doing this. They have made the commitment. All we asked for was a temporary waiver—nothing to do with achieving the goal, but a temporary waiver to give them a little more extra time to comply and finish what they were doing.

Some of these coal plants were in the middle of installing extremely expensive air pollution control measures. Yet the hard and fast rule imposed upon them by the EPA—with no ability to give them a waiver for demonstrated good-faith effort to comply—and because they couldn't get all the construction and implementation made by a certain date, they now have to switch to another source of fuel or shut down. Many had to shut down, at significant economic impact not just to my State but to many States, particularly those States that have heavy manufacturing that needs a lot of electricity.

So while I don't want to go into great detail in terms of which specific regulations and rules ought to be looked at and given some flexibility, I want to make the larger point that if we are sincere about dealing with issues and policies that will allow us to achieve economic growth and put more people back to work, we need to have responsible rules and regulations—not this onslaught of rules and regulations that continues to come out of EPA, some of which seem driven by ideology rather than by effective cost-benefit analysis—with the understanding that we are in a precarious economic time. We have a lot of people out of work, and that delay or an advancement of time in which to achieve certain regulations and a sincere evaluation on the basis of what is the real cost-benefit of going forward with this ought to be imposed.

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

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

Mr. TESTER. Mr. President, I ask unanimous consent to speak as in morning business.

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

PANCREATIC CANCER

Mr. TESTER. Mr. President, I rise today to speak about the need to invest in research to fight pancreatic cancer.

Just six percent of Americans diagnosed with pancreatic cancer live more than 5 years—6 percent.

Sixty-five percent of folks with colon cancer survive that long; 90 percent live 5 years with breast cancer and nearly every man diagnosed with prostate cancer is still living after half a decade.

Why is pancreatic cancer a different story? It is because we do not have a reliable way to detect this deadly disease in its earliest stages.

As a result, nearly 40,000 Americans will die from pancreatic cancer in 2013. But despite being a leading cause of cancer death, pancreatic cancer receives far less support—and far fewer research dollars—than other forms of cancer.

This must change because support for cancer research saves lives.

Supporting pancreatic cancer research will lead to breakthroughs in treatment. It will lead to needed advances in early detection. And it will show the American people that we are serious about saving the lives of their closest family and friends.

For Leigh Enselman, it will make it clear that we are standing with her and her mother.

Leigh lives in Bozeman, MT while her mother, who suffers with pancreatic cancer, lives in Seattle.

Leigh works hard to support her mom during chemotherapy and radiation treatments. She also volunteers her time to support pancreatic cancer patients and raise awareness about the disease.

But Leigh worries what is in store for her and her mom. She prays every day that her mom will be among the 6 percent of pancreatic cancer patients who survive.

Myra and Ed Pottratz from Great Falls, MT know what Leigh and her mom are going through. Together, they are fighting Ed's cancer. Ed recently had surgery, but the tumor spread to his liver. He now faces painful chemotherapy treatments, something far too many cancer patients experience.

Supporting pancreatic cancer research will also honor the life of Lanny Duffy of Darby, MT.

Lanny and his wife Deborah were not born and raised in Montana. They came west from Chicago so in retirement Lanny could be closer to his beloved fly fishing. But Lanny was diagnosed with pancreatic cancer, and he only got to enjoy the State he loved for a year before the disease took his life.

Congress took a big step forward last year to support folks such as Leigh, Ed and Lanny. We passed the Recalcitrant Cancer Research Act. This bill—supported by a bipartisan majority—increased research into pancreatic cancer. It gave the National Cancer Institute the tools it needs to tackle this lethal disease.

But the sequester is taking back our promise. The sequester cut funding to the National Institutes of Health—which does most of our country's research into this form of cancer—by 5 percent.

That 5 percent cut eliminated 250 million dollars-worth of funding for cancer research.

Talk about sending mixed messages. One moment, we are telling Leigh and her mom that we're fighting cancer with them. The next moment, we are telling them they are on their own.

Just last week, the Senate Appropriations Committee restored the funding that was cut by sequestration so NIH could beat pancreatic cancer. This is my first year as a member of the subcommittee that funds the NIH. It has been an honor to work with Chairman HARKIN to ensure that the NIH and medical research all over the country is well funded by this bill.

But this measure—which I wholeheartedly support—has a long way to go before becoming law.

We need to rein in our spending. We need to get our budget in order. But we cannot hurt our neighbors in the process. We owe that to people like Leigh, and Ed and Deborah. For their sake, we need to find a responsible solution to our budget problems.

Folks around the country are skeptical right now in Congress' ability to make smart, responsible decisions.

And cutting funding to fight deadly diseases like pancreatic cancer only adds to their frustration. That is because they know it will slow down the progress we have made toward detecting pancreatic cancer early on and saving lives.

This disease touches me and my office personally. Two members of my office have lost relatives to pancreatic cancer. Chances are I am not alone in this regard. Chances are each of my Senate colleagues knows a Leigh, an Ed, or a Deborah.

In support of those we know, those we've met, and those we love, I urge my colleagues to support increased research into pancreatic cancer, to support the Appropriations Committee's recent NIH budget plan, and to stand for smart and responsible measures to balance our budget.

GOVERNMENT SURVEILLANCE

I also want to talk about the need to protect our civil liberties and our Constitutional rights. When I joined the Senate in 2007, I was a bit of an outlier. But I am not referring to my status as the only working farmer in the Senate or to my haircut.

I am referring to my opposition to the Patriot Act.

Montanans elected me to the U.S. Senate after I made it clear that I didn't just want to fix the Patriot Act, I wanted to repeal it. I still do. But recent events have focused many of us in the Senate on my concerns with the Patriot Act and some parts of the Foreign Intelligence Surveillance Act or FISA.

A recent national survey reveals Americans are shifting in favor of reining in government surveillance programs. In fact, since 2010, nearly twice as many Americans say government spying is going too far and restricting our civil liberties.

Folks like me are now mainstream. Support for repeal—or at least changes—to the Patriot Act is up among both Democrats and Republicans.

As a result, more Members of Congress are expressing their concerns about the extent of the government's spying programs, and the Nation is finally talking about how to fundamentally balance our civil liberties with our national security.

Of course, the recent NSA scandal is at the heart of Washington's newfound interest in standing up for our civil liberties. And lawmakers should be outraged, because the secret collection of our phone and internet records is a perfect example for what happens when government ignores our Constitutional rights. We didn't need Edward Snowden to tell us the Federal Government is circumventing our Constitutional rights.

Whatever one thinks of Edward Snowden—and I think what he did was wrong and hurt our country—the reality is that he was not blowing the whistle on illegal activities. He disclosed information about programs that were perfectly legal.

And that is the problem. The NSA is using bad laws to undertake massive data collection on American citizens.

Just over 2 years ago—here on the Senate floor—I said the Patriot Act is compromising the very liberties and rights that make our Nation great and respected around the world.

At that time I said the Patriot Act gives our government full authority to dig through our private records and tap our phones—without even having to get a judge's warrant.

It did not take rocket science to figure it out, it is in the law.

And now it is time to have a full, open debate about the Patriot Act and the FISA amendments.

The Patriot Act is an invasion of privacy. The FISA Amendments Act is no better.

Both are an affront to our freedoms, and—to me—they raise constitutional questions. I am not a lawyer, so I do not know if they are unconstitutional. But I can tell you that they do not represent the values and the privacy rights of law-abiding Americans.

That is why I have voted to repeal it. And it is why I voted against extending the FISA Act in December.

But we can not go back in time. We can only move forward and take action now to better balance our civil liberties with our national security.

To get our intelligence policy back on track in a way that is true to our values, here is what we need to do:

First, we have to fix our laws. We need to do more than just put the government's spying programs under the microscope and we need to rein them in.

That is why I am also supporting a bill that makes it harder for the government to obtain phone call records and forces Federal officials to prove that sought-after records can be linked to a foreign terrorist or group.

The Chairman of the Senate Judiciary Committee wrote this bill. I certainly would not call the senior Senator from Vermont an outlier.

We must have increased transparency and accountability about how these programs are being implemented and why they are being run the way they are.

That is why I joined with one-quarter of the Senate to call on the Director of National Intelligence to justify the collection of Americans' phone and personal information. It has been 3 weeks, and we have not gotten a response yet.

We need answers, and they need to be truthful.

That is also why a bipartisan group of Senators has once again introduced legislation to declassify important Foreign Intelligence Surveillance Court opinions.

Americans deserve to know what legal arguments the government is using to spy on them, and this bill will do just that.

We need a functioning Privacy and Civil Liberties Oversight Board. The Privacy and Civil Liberties Board is charged with making sure national security measures do not violate the rights of law-abiding Americans. For years, seats on the panel sat empty.

But soon after I called on the panel to investigate the NSA, board members found themselves at the White House meeting with the President.

That is a good thing. And they need to continue to have the access and the ear of the President to do their job effectively on behalf of the American people.

It is a new day. Times are changing. The American people are taking a hard look at what Federal officials are doing in the name of national security, and what it means for them and their families. The question is whether this body will live up to the American people's new expectations.

After the attacks of September 11, Congress approved the PATRIOT Act and our Nation went to war. We stamped out Al Qaeda cells and put terror on its heels around the world.

Then and now, our military and intelligence communities performed bravely. They are better trained, stronger, smarter, and more effective than any other force on the planet. I thank them for their service. From top to bottom, I thank each and every one of them for doing their difficult jobs each and every day.

Congress did not give our intelligence community a blank check to walk all over the constitutional rights of law-abiding Americans and Montanans. I am confident American citizens can be kept safe without snooping around in our private lives.

Americans and Montanans are concerned about the government right now. They have seen the recent news about the government missteps, overreach and scandals and wonder where Washington's priorities lie. They wonder whether anyone is looking down the road to see where this country is going.

Every measure I have outlined today will help restore the balance between national security and privacy, and every one of them has strong bipartisan support.

I will keep working with Democrats, Republicans, Independents, and anyone else to defend our civil liberties and for the ideals of our Founding Fathers. Freedom, privacy, and a government controlled by the people are the principles on which our forefathers founded our Nation, and they are the principles that led Montanans to send me to Washington and represent them.

Our constitutional rights are what make us the greatest country in the world, and we cannot let them be taken away one new law at a time.

PANCREATIC CANCER

Mr. BLUMENTHAL. Mr. President, today I wish to remember all those we have lost in Connecticut and throughout the Nation due to pancreatic cancer and other types of recalcitrant cancers, and to raise awareness of the importance of continued efforts to bring about more effective treatments and widespread education to fight this pernicious disease.

Lisa Hayes was a journalist from Connecticut. She worked for an international nonprofit organization that worked to get medications and health care to developing countries. She was the editor for Doctors without Borders, and a fearless advocate for the underdog. Lisa was 45 when she was diagnosed with stage IV pancreatic cancer. Her symptoms were dry skin and fatigue. Being a working mother of two and it being winter, Lisa thought nothing of it. When she was diagnosed, she was told ''There is no hope. Go home and kiss your kids good-bye.'' Lisa tried an oral chemotherapy regime, but it was unsuccessful. She lived for 4 months afterwards, then died four days

shy of her 46th birthday, leaving behind a husband and two children under the age of 12.

While overall cancer incidence and death rates are declining, that is far from the case for pancreatic cancer. Pancreatic cancer is the deadliest of all major forms of cancer, having the lowest 5-year survival rate of only 6 percent. It will strike more than 45,000 Americans this year—73 percent of whom will die within a year of their diagnosis.

Recalcitrant cancers, such as those that develop in the pancreas, are difficult to detect. By definition, these cancers have low survival rates; and, sadly, we have not seen substantial progress in diagnosing or treating these diseases. For these reasons, I was proud to cosponsor the Recalcitrant Cancer Research Act, which was passed and signed into law near the end of the 112th Congress. In addition to other provisions, this law authorized the National Cancer Institute, NCI, to implement a strategic plan to battle pancreatic cancer. This law takes further steps to establish a committee to advise the NCI on research goals for pancreatic cancer, and also requires the creation of an education program to train health care providers, patients, and their families on issues specifically related to this devastating disease.

As required by the Recalcitrant Cancer Research Act, the NCI recently released its report on these issues. The report includes four recommended research initiatives as identified by a working group of leading health experts. I applaud the NCI for taking this important step, and I look forward to continuing to support the agency's work in this area. Efforts such as these are vital to improving our health, and I invite my colleagues to join me in their support.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. BALDWIN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BLUNT. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BLUNT. Madam President, I rise to discuss my hold on the nominee whom we will be voting on this afternoon, Gina McCarthy. Gina McCarthy is the President's nominee to lead the Environmental Protection Agency. There is no doubt that there are lots of things to be concerned about with the Environmental Protection Agency.

There are 12 States that just sued the EPA over the Agency's sue-and-settle tactics. There are rules and regulations, if they are allowed to go forward, that will raise energy prices. There are lots of issues to debate, and we will continue to debate those.

This is about a more targeted area. I have only been in the Senate for a couple of years. What is a hold? A hold is put on a nomination when there is a problem that needs to be solved or for a problem that just can't be solved. Some may object to the nominee or some may object to something that has happened that should permanently disqualify that particular individual from any job.

This is a hold on a problem that could be solved. This is one of the things that individual Senators still have the ability to do. This is not intended to stop a nominee but to at least make it more difficult for that nominee to be confirmed. It is one of the things we can do to say: Let's do what we can to solve this problem. It has to be defensible. In my view, it has to be something a Senator is willing to talk about. We did away with the so-called secret holds in the Senate in recent years so we know who has the hold. If anyone wants to know, I suppose they could almost always find out why they have it.

In my case, I would like the administration to do something they promised to do in February; that is, to reach an agreement on a set of facts that relate to a longstanding project in my State of Missouri. Let me be clear: I am not asking anybody to spend any money. I am not asking anybody to approve a project. This is about a draft statement that is out there that the government keeps arguing with itself about.

There is an old saying that you are entitled to your own opinion, but you are not entitled to your own facts. I don't care what opinion any of these agencies have. That is outside of this discussion.

What I care about is agreeing on the facts. There is a project in the ''bootheel'' of Missouri. Actually, for anyone who has a map of the United States, you can get pretty close to where the project is located. The bootheel in southeast Missouri is pretty easy to find on any map that identifies the States. Anybody can get very close to this project. The St. Johns Bayou-New Madrid Floodway Project has been mired in bureaucratic infighting and unresolved government disputes for at least 30 years.

In fact, 1954 was when the government said they would take care of this levee problem. They said it again in 1986. It is as if every 32 years we need to renew our commitment to do this job.

Congress authorized this project. It would add 1,500 feet of levee. It would close a gap in the levee system around the river; 1,500 feet is not a long space. It can be measured by football fields or however else you want to measure it. We are talking about 1,500 feet. We are talking about how that would work.

After years of going back and forth over the first environmental impact statement, the Army Corps of Engineers produced a second draft of this statement in July of 2011. What do I mean by agreeing to the facts? One of the facts in dispute in any levee flood is always wetlands. In this case, the U.S. Department of Agriculture said there were 500 acres of wetlands. The Environmental Protection Agency said: No, there are 118,000 acres of wetlands.

Obviously, this is a pretty big floodway if 117,500 acres of it could be in dispute as to whether it is wetlands, and that is a pretty big discrepancy. These are two government agencies. There is only one definition for wetland. Is it 500 acres or is it 118,000 acres? I think the U.S. Fish & Wildlife Service had some number somewhere in the middle, but that is no way to solve disputes.

The facts are the facts. What meets the definition? This draft of the environmental impact statement—people could comment on this draft if it became public. It is not a final statement. I have been asking for a draft statement. It has now been out there for 2 years. In March of 2012, I sent two letters to try to address this problem. One letter went to the Fish & Wildlife Service and one was sent to the EPA.

In June of 2012, the Army Corps withdrew the revised statement due to ongoing concerns with these other two agencies.

In September of 2012, Congresswoman Emerson—who is from that congressional district in Missouri—and I sent a letter expressing our disappointment about all of this foot dragging.

In October of that year, we visited the project to try to figure out what the problem could be for all the farm families and those who would be impacted as well as others who want to be sure they have the right kind of flood protection.

In December of 2012, Missouri colleague Senator MCCASKILL wrote the heads of the EPA and Fish & Wildlife demanding that they reach a resolution in 30 days and that they present this new environmental impact statement in 60 days. So now there is a Republican Senator and Democratic Senator asking the government to quit arguing with itself and come up with an agreement on the facts. This is about the facts, not about opinions.

In July of 2013, the Army Corps withdrew its revised draft statement once again and the EPA said: We are going to take this all the way to the White House for review.

In February of this year, 2013, Senator MCCASKILL and I had a meeting in her office with representatives of these agencies. During that meeting in February, all the agencies agreed to reach an agreement surrounding the facts by March 15.

They came up with this deadline. Senator MCCASKILL and I didn't ask them when or how quickly they could do this. They said: We will get this done by March 15.

Unfortunately, on March 15 they called and said: We couldn't quite get it done by March 15. So I said: OK. One way I can have some impact is with this nominee for EPA. So the next week, March 18, I placed a hold on her nomination.

Frankly, I thought this would be a couple of weeks. After all, 1 month earlier they thought they could do this in 2 weeks. Now I am saying: OK, let's get this done. They can't just promise Members of the Senate that they are going to do something and then decide to ignore it. As a result, nothing has happened yet. The March 15 deadline has come and gone.

In May of 2013, I went to the project site again. I met with Gina McCarthy that month to express my concerns over this bureaucratic infighting. I contacted the White House to attempt to get this situation resolved for southeastern Missourians and people in neighboring States who benefit from this floodway as well. Unfortunately, we are still waiting.

Ten days ago, the EPA, the Corps, and Fish & Wildlife sent a letter on the status. They said there was a common understanding. I wrote back and said: What does that mean? Does that mean you don't understand how you don't agree with each other? What does it mean? Can we get these facts determined?

So far I have heard nothing. I want to know whether the Natural Resource Conservation Service agrees with the new definition. The EPA came up with a new definition of farmable wetlands. No one I know has heard of this before. It is not defined anywhere in law. It is just at the EPA.

Finally, has there been an agreement with the Corps, EPA or Fish & Wildlife on whether proposed mitigation actions are both valid and adequate? Of the 471 comments that came out, 115 of them concerned mitigation, and most of them came from EPA. I am referring to internal comments. We have not gotten to a point where a citizen can say: I like this project or I don't like it, and here is what I think is wrong with it. I sent a response to the administration on July 9 with more questions.

The most pressing question is: Why can't we manage the government? The administration on this issue said: The government is big and complicated and we can't expect the President to run everything in the administration. Actually, I do expect the President to do that. The Constitution expects the President to do that.

Again, as I conclude, let me just say I will vote to not go forward with her nomination, although I may not prevail. This is a reasonable question. I am not asking the Federal Government to spend a dime or to approve construction; I am just asking them to agree to the facts. One wouldn't think that would be hard to do, but in this case it has been pretty hard to do.

The government needs to stop arguing with the government. I am going to keep fighting for the people I work for to have a right to know what the facts are and what we should be considering as we decide whether we should move forward with this project. The Federal Government said, in 1954 and again in 1986, here is something we are going to do and here is the authorization to do it. Let's find out if it really works by just putting the facts on record.

Mr. LEVIN. Madam President, I support President Obama's nomination of Gina McCarthy to be the Administrator of the U.S. Environmental Protection Agency, EPA. The work of the EPA is critical to protecting Americans from toxic air emissions, polluted waters, harmful chemicals, and contaminated soils. EPA restores habitats enabling flora and fauna to flourish, improving drinking water supplies, enhancing our quality of life, and providing recreational opportunities. Since the EPA was created in 1970, the air we breathe is safer, our waterways are cleaner, and hundreds of thousands of contaminated acres have been cleaned up.

This progress needs to continue, and Gina McCarthy would be an excellent leader to protect our treasured environment and improve public health, while at the same time promoting economic growth. I had the pleasure of meeting with Gina McCarthy this April and we had a frank discussion about commonsense environmental regulations. For example, I support strong ballast water regulations to protect the Great Lakes from destructive invasive species, but a patchwork of various State regulations would be impossible for shippers to comply with and thus we need a single strong federal standard. While Ms. McCarthy was not able to comment on this specific matter, she assured me that she would move forward with environmental regulations that are practical and workable. Her work on other EPA regulations, including those addressing toxic air pollutants from power plants and boilers, demonstrate that she has a history of doing this, of listening to all stakeholders and addressing valid concerns.

Gina McCarthy has worked at the local, State, and Federal levels on environmental issues, as well as with coordinating policies related to economic growth, energy, transportation and the environment. She has led EPA's air office, overseeing a number of important regulations to reduce toxic pollutants in the air we breathe. She is committed to serving the public. I support her nomination because we need the type of leadership she has already demonstrated: willingness to work on a bipartisan basis, commitment to responding to what science tells us, and understanding the economic consequences of regulations.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, this is a very important day for the American people. We are beginning to give President Obama the team he wants to work with. I am not suggesting everyone here likes his choices, but he won the Presidency. Every President, whether I agree with him or disagree with him, or whether I agree with her or disagree with her, or whether it is a Republican or Democrat, every President deserves a team in place.

If I were to ask people how important clean air is to them or how important it is that when children breathe the air they don't wind up with asthma, I will tell my colleagues that 80 percent of them will say it is very important. If I were to ask them how important clean water is, the quality of our lakes and streams and oceans, I would say they would think it over and they would say it is pretty important. That is where we get our fish. That is where we go to recreate. That is a legacy we want preserved.

If I were to say: How about safe drinking water, do you think you ought to be nervous when you or your child drinks your water out of the tap—and, sadly, fewer and fewer people are drinking water out of the tap—I would suggest to my colleagues, knowing what the American people know and seeing how smart they are about what bacteria could be in the water, I would say they would think it very important—at least 80 percent.

If I asked them: How important is it that Superfund sites that had dangerous toxins on them be cleaned up? How important is it to clean up Superfund sites that are dangerous to the health of our children and dangerous to the health of our families? Brownfield sites that are dangerous to our families, how important is it that those responsible for making that mess clean up their mess so those sites can be restored and they can be, in fact, built upon again? I would say vast majorities would say it is very important.

If the Presiding Officer ever goes to visit a school and talks to the kids and asks them to raise their hands if they have asthma or someone they know has asthma, I guarantee too many kids will raise their hands. We know asthma is the greatest cause of school absences.

So why am I starting off discussing the EPA by raising these issues of clean air, clean water, safe drinking water, Superfund sites, brownfield sites? Because the Administrator of the EPA will be carrying out the laws that make sure our air is safe, our water is safe, our drinking water is safe, and the Superfund sites are cleaned up. That is what the Administrator of the EPA does.

For the longest time, we have had a holdup of Gina McCarthy, who was nominated by our President, not because people don't respect her and not because people don't like her. The woman served five Republican Governors, one Democratic President. She got a unanimous vote in her current position as Deputy Administrator. They did it because, frankly, I don't think they like the Clean Air Act. I don't think they like the Safe Drinking Water Act. I don't think they like the Clean Water Act. I don't think they like the Superfund Act. So instead of

going at it head on, because they know they don't have a chance to repeal those laws because the American people revere those laws, they go about it in a roundabout way: Oh, I didn't get the papers I wanted. I didn't get the questions answered. Well, how about 1,000 questions being submitted to Gina McCarthy and she answered every one.

So all of this holdup—stopping this woman from getting the promotion she deserves—isn't about her—it isn't about her. It is about the fact that they don't like the Environmental Protection Agency, even though it was created by a Republican President named Richard Nixon and supported by every President, Democratic and Republican.

Then, of course, there is the issue of climate change. There is the issue of too much carbon pollution in the air, which we are seeing the results of almost every day. The Administrator of the EPA will be carrying out the President's vision for how to get that carbon pollution out of the air, and she will be good at it.

When 98 percent of scientists tell us climate change is real, it is real. I guess 2 percent of scientists are still saying tobacco doesn't cause cancer. Well, bless their hearts, that is their right, but I am not following them, nor are the American people following the 2 percent of scientists who say tobacco isn't linked to lung cancer. And, thank God, we are seeing more and more Americans walk away from smoking. But I have to tell my colleagues, for years we had doctors paid by the tobacco industry and scientists paid by the tobacco industry to say, under oath: We don't see the connection. The tobacco officials themselves actually said that. I will never forget the sight of one after the other: We swear to tell the truth. There is no connection.

Today we had a hearing in the environment committee. It was a terrific hearing about the science of climate change. The Republicans brought forward two witnesses. They were not scientists; they were economists. They said doing anything about climate is terrible for the economy.

I have to tell my colleagues, I looked at the organizations they represented: funded by the Koch Brothers, funded by ExxonMobil. That is a fact. So this isn't about Gina McCarthy, this whole holdup where we had an agency with an acting head—a very good guy, but we need someone in this position who is going to have the gravitas of this confirmation to head the agency.

If we look at the lives that have been saved because of the Clean Air Act, and if we look at the economic prosperity that came about because of the Clean Air Act, it would shake people up. Over a 200-percent increase in the GDP as the Clean Air Act was being carried out; jobs and jobs and jobs created after the special interests told us it would be calamitous.

Do my colleagues know what we found? And we will find it out, as President Clinton just said yesterday at a ceremony where I was proud to be present. When we clean up the environment and we do it in a good way, a wise way, a way that Gina McCarthy will lead us toward, we will create hundreds of thousands of good jobs. We will bring alternative clean energies to the table that will wind up saving money for the American people.

I drive an electric hybrid car, and I hardly ever go to the gas station. It cost a little bit more in the beginning, but after a few years I had it paid for, and after that our family is saving money. I was able to put a solar rooftop on my home. Granted, it is in California where the Sun shines a lot. The fact is, in a few years, I will be reaping the benefits of it because I do not pay for electricity.

So we can reap the benefits. Instead of telling people it is going to hurt them, the truth is it is going to help them.

I will never forget when the wall came down in Eastern Europe. I visited that wall in Germany. When that wall came down, the first thing Eastern European countries did was clean up the air. People could not see. The truth is, if a person can't breathe, they can't work, period. In China, they can barely see, and they are going to undertake a huge cleanup of their environment.

So this battle about Gina McCarthy is not about Gina McCarthy; it is about the fact that a lot of our colleagues simply believe we would be better off without an EPA. If my colleagues look back at the lives saved because of the EPA, if they look at the jobs created because of the EPA, my colleagues would think, I believe—if they really looked at it without a prejudice—they would agree with the American people who support the Environmental Protection Agency in numbers that are 70 percent, 80 percent.

So to say that I am relieved we are having this vote is an understatement. I am so happy to see this moment come, when we will put in place an Administrator for the EPA who will do us all proud, who will be fair to all sides, and who will move our Nation forward in both cleaning up the environment and creating good jobs in the process.

I thank the Chair very much. I don't see anyone else here, so I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. HEITKAMP. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CLOTURE MOTION

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency.

Harry Reid, Barbara Boxer, Benjamin L. Cardin, Christopher A. Coons, Patrick J. Leahy, Tom Carper, Ron Wyden, Patty Murray, Tom Udall, Martin Heinrich, Bernard Sanders, Sheldon Whitehouse, Max Baucus, Richard J. Durbin, Kirsten E. Gillibrand, Jeff Merkley, Brian Schatz.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 69, nays 31, as follows:

[Rollcall Vote No. 179 Ex.]

YEAS—69

Alexander	Franken	Murkowski
Ayotte	Gillibrand	Murphy
Baldwin	Graham	Murray
Baucus	Hagan	Nelson
Begich	Harkin	Portman
Bennet	Heinrich	Pryor
Blumenthal	Heitkamp	Reed
Boxer	Hirono	Reid
Brown	Isakson	Rockefeller
Burr	Johnson (SD)	Sanders
Cantwell	Kaine	Schatz
Cardin	King	Schumer
Carper	Kirk	Sessions
Casey	Klobuchar	Shaheen
Chambliss	Landrieu	Stabenow
Cochran	Leahy	Tester
Collins	Levin	Udall (CO)
Coons	Markey	Udall (NM)
Corker	McCain	Vitter
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Flake	Mikulski	Wyden

NAYS—31

Barrasso	Grassley	Paul
Blunt	Hatch	Risch
Boozman	Heller	Roberts
Chiesa	Hoeven	Rubio
Coats	Inhofe	Scott
Coburn	Johanns	Shelby
Cornyn	Johnson (WI)	Thune
Crapo	Lee	Toomey
Cruz	Manchin	Wicker
Enzi	McConnell	
Fischer	Moran	

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Pursuant to S. Res. 16 of the 113th Congress, there will now be 8 hours of debate equally divided in the usual form prior to a vote on the McCarthy nomination.

Who yields time?

The Senator from Louisiana.

Mr. VITTER. Madam President, I rise to talk about the substance of the Gina McCarthy nomination. It is a very important nomination. It is a very important Agency that has been taking dramatic action in the last 4 years. Gina McCarthy is not some outsider coming to this anew. She has been at the center of that very dramatic, and in my

opinion, draconian action, in a methodical march against affordable, reliable energy.

The EPA has crafted and will continue to put forward multiple rules to stop the use of coal as part of our energy mix, to increase prices at the pump, to create energy scarcity at a time when energy independence is within our reach. This is a crucial debate. Because while the President says he is for all of the above, while he says he wants to pursue that strategy, the particular policies of EPA have done the opposite. It has not been all of the above. It has been a war on coal. It has not been energy security, it has been increasing prices at the pump. It has not been energy independence, it has been trying to muffle the progress we can make to produce good, reliable, affordable energy right here in our country.

The EPA will play a pivotal role in the execution and implementation of the President's recently announced climate action plan. With this edict from the President, EPA is further emboldened and will strengthen its grip on the Nation's economy.

EPA's significant rulemaking agenda is not only estimated to cost billions of dollars, but it suffers from inherently flawed foundations. In the recent past, this has necessitated the reconsideration or revision of multiple rules after they were promulgated—for instance, reconsideration and revisions to the mercury and air toxics rule, the boiler MACT rule, the cross-State air pollution rule, the oil and gas NSPS rule, and the Portland cement rule. So there alone you see the deep flaws in what they have been doing, because they have had to back up and clean up the mess.

EPA needs to show the public the truth and the ultimate consequences of its actions. The extent of the economic harm of the rules put forward during the last 4 years and those they are talking about for the next 4 years must be known to the public not only through FOIA requests, not only through congressional inquiries, not only through more accessibility to information which we have won, but by being honest with the American people about their policies.

Let me talk about a few areas where this is particularly important.

First, greenhouse gas regulation. The regulation of greenhouse gases alone is expected to cost more than 300 to $400 billion a year, and it will raise energy costs across the board.

EPA will continue to issue regulations industry by industry until virtually all aspects of the American economy are constrained by regulatory requirements and high energy prices.

When the EPA IG investigated the basis upon which EPA moved forward with a greenhouse gas regulation endangerment finding, the IG found that EPA did not follow its own peer-review procedures to ensure that the science behind the decision was sound. This is a very important point, and we need more and different action from the EPA.

Directly related to that are the so-called social costs of carbon. In order to justify this regulatory regime that I am talking about, put forward by the administration, including unilateral action to be undertaken as part of the climate action plan, for the second time in just a few years an interagency working group crafted, behind closed doors, a monetized estimate of the damages caused by emitting an additional ton of CO_2 in 1 year. These estimates are referred to as the social cost of carbon.

The problem is that the EPA completely jiggered the methodology behind that to obtain a certain result. In fact, OMB has guidance on how to go about this. They have specific guidance on what discount rates to use. And the IWG failed to use their normal recommended discount rate for a very simple reason: it wouldn't get them to the end goal, the objective they needed to get to. This is more evidence of the serious problems we have with EPA.

Another important category is the ozone national ambient air quality standards. Beyond the regulation of greenhouse gases, EPA will propose revisions to the ozone national ambient air quality standards which, if set between 60 and 70 ppb, would cost potentially hundreds of billions of dollars annually. EPA itself estimates now that this would cost between 19 and $90 billion annually and would likely find 85 percent of U.S. counties designated ''nonattainment.'' This is a big deal. EPA needs to talk honestly with the American people about where it is pushing us.

Overreach. In general, this Agency's overreach has been historic. For instance, in an attempt to smear the idea of hydraulic fracturing, EPA has carried out a campaign against that process in an attempt to justify unnecessary Federal regulations that would usurp the successful and traditional regulation of that process.

The EPA, in three separate instances—Pavillion, WY; Dimock, PA; and Parker County, TX—came out with outlandish and unsubstantiated claims of contamination and ridiculous claims of dangers, such as houses exploding due to hydraulic fracture. In all three of those cases, EPA has been forced to walk away from their baseless claims and withdraw from their investigatory witch hunts.

There is yet another example of improper action and complete overreach and mismanagement of existing programs—the renewable fuel standard. While that fuel standard, in my opinion, is inherently flawed and may be in need of outright repeal, EPA is in charge of its current implementation. It is not taking action while a crisis mounts under that current implementation.

As renewable fuel mandates increase each year while demand for transportation fuels decreases, refiners are forced to blend more biofuels into a gasoline and diesel pool that is shrinking. We are hitting a blend wall. It is a mounting crisis. It is right before us. EPA is managing—or I should say mismanaging—this existing program. EPA has existing powers to do something about it so we don't hit the blend wall, so we don't cause unnecessary spikes in prices at the pump, and it is not happening.

Those are the highlights—or I should say the low lights. Those are some of the obvious areas where this Obama EPA—with Gina McCarthy as a key player—has acted to the detriment of the American people, jobs, the economy, and our future.

It is for those reasons that I continue to have profound concern with this direction at EPA. As I have said, the present nominee is not an outsider. She is not new. She does not have no element of involvement. She has been at the very heart of many of these matters as head of the clean air program. For those reasons, I not only express my strong reservations, I will vote against the nomination of Gina McCarthy.

I urge my colleagues to look long and hard at the record of this EPA. It has been a job killer. It has slowed economic recovery, and it threatens to do even more damage. I urge a ''no'' vote.

I yield back my time and invite others who would like to speak to come to the floor immediately.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. WARREN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. BOXER. Madam President, I yield back all remaining time.

I understand the Republican side has yielded all time, and I would like to see us get to a vote.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency?

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Mississippi (Mr. WICKER).

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

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 180 Ex.]

YEAS—59

Alexander	Franken	Murphy
Ayotte	Gillibrand	Murray
Baldwin	Hagan	Nelson
Baucus	Harkin	Pryor
Begich	Heinrich	Reed
Bennet	Heitkamp	Reid
Blumenthal	Hirono	Rockefeller
Boxer	Johnson (SD)	Sanders
Brown	Kaine	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Landrieu	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Coons	Markey	Udall (NM)
Corker	McCain	Warner
Donnelly	McCaskill	Warren
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Flake	Mikulski	

NAYS—40

Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Burr	Heller	Risch
Chambliss	Hoeven	Roberts
Chiesa	Inhofe	Rubio
Coats	Isakson	Scott
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Lee	Toomey
Cruz	Manchin	Vitter
Enzi	McConnell	
Fischer	Moran	

NOT VOTING—1

Wicker

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I am 95 percent certain there will be no more votes today. The question I am not as certain about is what happens on Monday. We will know before the day is out whether we will have to have a Monday vote or votes. We will keep that in mind. Everyone should keep it in mind.

I ask unanimous consent the motion to reconsider be considered made and laid on the table, there being no intervening action or debate; that no further motions be in order; and that President Obama be immediately notified of the Senate's action and the Senate resume legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate resumes legislative session.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BENNET. Madam President, I ask to speak as in morning business.

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

COMMEMORATING THE AURORA TRAGEDY

Mr. BENNET. Madam President, on Saturday, July 20, Colorado will commemorate a solemn anniversary because a year ago, almost exactly to the day, in Aurora, CO, a theater full of people, who at that moment wanted nothing more than to escape the heat and enjoy a movie with their family and with friends, found themselves in the middle of a senseless and violent tragedy. A gunman opened fire and took 12 lives a year ago, innocent people, loved by family and by friends. He physically wounded scores of others.

Days later, as this photo shows, thousands of Coloradoans attended a vigil hosted by the city of Aurora. We shared tears and prayers. We also resolved to support each other, to heal, and to always remember those who lost their lives—which is what brings me here today.

Since that time, we have continued to see an outpouring of support all across Colorado and, for that matter, all across the United States of America for those we lost, their loved ones, and for the city of Aurora. The grace and courage of the families and survivors affected by this terrible tragedy serve as a powerful reminder to all of us of the resilience of the human spirit.

Today we remember the victims, victims such as Jessica, an aspiring young journalist; Rebecca, a mother of two who joined the Air Force after high school; and Veronica Moser Sullivan, age 6, who had just learned to swim and loved to play dressup.

We also remember the acts of heroism and the resolution demonstrated by so many Coloradoans in the aftermath of this tragedy, people such as Matt McQuinn, who threw himself in front of his girlfriend on the night of the shooting, saving her life; and the brave first responders and volunteers who helped save lives and comforted those in shock and heartbreak.

We remember the city of Aurora and the State of Colorado, which has once again come together to help one another through unspeakable loss and heartache.

At a recent service of over 3,000 people at the Potter's House, an Aurora-based church, Rev. Chris Hill told those in attendance that ''We believe morning is coming to Aurora. Aurora means the dawn.'' I think that captures the spirit of resilience and toughness that characterized Aurora, my beautiful State of Colorado, and these United States of America.

Before I leave the floor, I want to read once again the names of the victims in Aurora: Jon Blunk, AJ Boik, Jesse Childress, Gordon Cowden, Jessica Ghawi, John Larimer, Matt McQuinn, Cayla Medek, Veronica Moser, Alex Sullivan, Alex Teves, and Rebecca Wingo.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from West Virginia.

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

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

Mr. MANCHIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

COAL IN AMERICA

Mr. MANCHIN. Mr. President, weeks and months ahead and maybe even for years to come, we will be debating President Obama's latest global climate proposal. It is crucial that this debate be based on crystal clear facts and not clouded by political ideologies on either side.

So, starting today, I plan to deliver a series of speeches on energy, and I plan to start with coal, which I know is no surprise to the Presiding Officer. Coal is America's greatest energy resource. I think it is important to lay out the facts about coal for several reasons.

No. 1, coal is America's most abundant, most reliable, and most affordable source of energy, and it will be for decades to come.

No. 2, the coal industry and its supporters have been falsely portrayed by opponents as monsters who have done something wrong, that they value money over health and the environment.

No. 3, I think the American public has some basic misconceptions about coal and how important it is to keeping our economy growing and our Nation secure.

I think that because I was recently asked: If coal is so controversial, then why don't we as a nation just use more electricity? The question shows that, basically, people don't understand where their electricity comes from. When we turn the lights on, over 40 percent of the people depend on coal. Most of this industry and this country has been built on the back of coal and what coal has produced.

I didn't know how to respond to the person who asked that. It was one of those rare moments when I was at a loss for words. Just imagine standing there and being asked: Why would we continue to keep mining coal? Why wouldn't we just use more electricity?

I guess what I should have said was this: When we surf the Internet, watch TV or play video games, when we charge a cell phone or turn on an air-conditioner or plug in our hybrid car to charge it, we are using electricity, and there is a good chance that electricity came from coal.

Coal has a distinguished past. In fact, one can't tell the history of America without telling the history of coal. It fueled the industrialization of America in the 19th and early 20th centuries, making us what we are today: the richest and most powerful Nation in history.

Coal also has a distinguished present. It is responsible for 37.4 percent of all electricity generated in the United States today—more than any other source of energy.

Just as important, coal has a distinguished future ahead of it. The U.S. Department of Energy says it will remain

the dominant fuel for electricity generation in our country at least through 2040.

Despite so many attempts to kill it, coal is critical to meeting the future energy needs of America. In other words, we can't make it without coal.

Coal has the longest and perhaps the most varied history of all fuels. It has been used for heating since the caveman. It was once prized as the best stone in Britain by Roman invaders who actually carved jewelry out of it. Native Americans used it long before the New World settlers to bake their pottery, and blacksmiths have used coal to forge tools and all kinds of metal objects at least since the Middle Ages. In fact, a deep, rich vein of coal runs through all of human history and not just American history. Given all the blame it gets for carbon pollution today, it is worth remembering that coal was universally regarded as a carbon treasure.

It is difficult to exaggerate the importance of coal to both the American and British economies in the 19th and 20th centuries. Coal was the fuel that fired the Industrial Revolution. In the popular imagination, the industrial revolution is cotton mills, railways, steamboats, engines, and factories. But at the core of the industrial revolution was our use of energy, and the energy that powered the mills, the railroads, the steam engines, and the factories was coal. In fact, when James Watt invented the steam engine, he used coal to make the steam to run his engine, making it possible for machinery to do work previously done by humans and animals.

But perhaps the most important role coal played in the industrial revolution was in the making of steel—the predominant building material of the time. In 1861, when the country was torn by Civil War, factories used coal to produce steel for the guns, the bullets, and the cannons that preserved this Union.

By 1875, coke, which is made from coal, replaced charcoal as the primary fuel for iron blast furnaces to make steel. With the rise of iron and steel, coal production increased by 300 percent during the 1870s and early 1880s. By the early 1900s, coal was supplying more than 100,000 coke ovens, mostly in western Pennsylvania and northwestern West Virginia.

In the 1880s, coal was first used to generate electricity for factories and homes. Long after homes were being lighted by electricity produced by coal, many of them continued to have furnaces for heating and stoves for cooking that were fueled by coal. I can remember as a young person at my grandparents' home, I would always stoke the fire at night and bank up the coal so it would be warm all night long.

Of course, political, economic, and intellectual conditions also contributed to the industrialization of America. Representative government, capitalism, and the free expression of new ideas all played their part. But at the heart of this sweeping industrial revolution, a profound transition from hand production to machines, was because of coal.

The first coal miners in the American Colonies were likely farmers who dug coal from beds exposed on the surface and sold it by the bushel—by the bushel. In 1748, the first commercial coal production began from mines around Richmond, VA. By the late 1700s, coal was being mined on what was known as Coal Hill. Now it is known as Mount Washington in Pittsburgh, PA. The early settlers there used coal to heat their homes, but they also carried it in canoes across the Monongahela River to provide fuel for the military garrison at Fort Pitt.

Coal was first discovered in what is now West Virginia by German explorer John Peter Salling in 1742 in what is now Boone County. I have to wonder how hard it was to discover coal in West Virginia because coal occurs in 53 of West Virginia's 55 counties.

As early as 1810, the residents of Wheeling—once a part of Virginia and now a treasured part of West Virginia—used coal from nearby mines to heat their homes. By 1817, coal began to replace charcoal as a fuel for the numerous salt furnaces on the Kanawha River. But it was not until the mid-1800s that there was extensive mining in West Virginia.

The coalfields in southern West Virginia opened in the 1870s, and many of them owed their success to the coming of the Chesapeake and Ohio Railway.

Of course, you cannot talk about coal without talking about coal miners—the bravest and most patriotic men and women I have ever met in my life. A lot of Americans only know the TV and movie stereotypes of coal miners, so they do not always give miners the respect they deserve. The fact is that they deserve the same respect as our military veterans because they go down into the mines for the same reasons our veterans took up arms—to protect this country. It is not just a job, it is a calling, it is a way of life, even an act of patriotism in the defense of this great country, and to tell you the truth most of the coal miners I meet in West Virginia are also military veterans.

Coal miners are vital to the security of this Nation. That was never so clear than in World War II when Franklin Roosevelt nationalized America's coal mines—it was that important to us.

In a fireside chat in 1943 explaining his actions, Franklin Delano Roosevelt said:

> A stopping of the coal supply, even for a short time, would involve a gamble with the lives of American soldiers and sailors and the future security of our whole people.

That was the President of the United States in 1943.

A stopping of the coal supply is still a gamble with the future security of our country.

My own family first came to America to work in the mines back at the turn of the 20th century. Growing up in the small coal-mining town of Farmington, I saw just how proud and courageous all these miners were. In 1968, after the horrific Farmington No. 9 mine disaster that claimed 78 victims, including my uncle, I experienced the healing strength of coal-mining families.

Working conditions and living conditions were difficult for miners in the early days, but they did their best to make a living and provide for their families. They fought and struggled for everything—first alone, then as union members led by the legendary John L. Lewis, the lion of labor. Lewis pleaded the case of the miners in what was once described as ''the thundering voice of the captain of a mighty host, demanding the rights to which free men are entitled.''

If you ever have any doubt about the courage of coal miners, read the scribbled last words of one of the miners who died in the mining accident at Sago, WV, in 2006. I was Governor at that time. In the pitch black of the mine, the miner, Mr. Martin Toler, Jr., wrote:

> Tell all I'll see them on the other side. I love you. It wasn't bad. Just went to sleep.

Can you imagine? They were all sitting in that area knowing what their fate would be.

From the very beginning coal mining was tough and demanding. It still is. But today it is also safe and efficient, and it is even high-tech. In the 1880s coal miners were learning how to use mules and donkeys to haul coal through the mines. Today they are training in robotics, automation, and positioning technologies. And the pay is good—starting out around $60,000 a year, sometimes even starting at as much as $80,000 a year.

Coal mining provides more than 20,000 direct jobs in West Virginia at an average wage above $79,000 per person, generating more than $1.6 billion in income, but it also accounts for another 25,500 indirect jobs in West Virginia. The most recent available data show that the economic impact of the coal industry in West Virginia equals nearly $20 billion a year—$20 billion a year in my little State.

To the miner, coal is the energy business, so they are mystified when they hear talk out of Washington about getting rid of coal, even as we continue to try to achieve energy independence. They cannot understand why their own government tries to kill the good well-paying jobs that support their families and provide the energy this country needs. And I cannot understand it either. I really cannot. It does not make any sense.

Coal is America's most significant source of electricity, and it will continue to be for decades to come. The United States holds the largest estimated recoverable reserves of coal in the world—enough to last nearly 300 years. Coal currently generates almost 40 percent of the electricity in America, and our own Energy Department

reports that our country will get 37 percent of its energy from coal at least through 2040. So it is obvious that removing it from our energy mix will have disastrous consequences for our economy, which is still trying to get back on both feet. We need an ''all of the above'' energy policy that uses every energy source we have—hydroelectric, nuclear, biomass, renewables, and fossil fuels, including coal. You cannot tell the history of America without telling the history of coal, and you cannot plan an energy future for America without coal.

To put it in a nutshell, there are 8 billion tons of coal being burned in the world today. One billion tons of coal are being burned in America. For those who are saying we are destroying the global climate because of the coal we are burning, we burn it better and cleaner than most any nation on Earth.

I am not a climate scientist, but I do know that the ocean currents and the wind currents do not start and stop in North America. I do know that. And I know that if you stop burning every ton of coal in America, thinking you are going to save the climate of the world, when there are 7 billion other tons of coal being burned—and it is growing faster than any time in history—we have oceanfront property in West Virginia at a bargain for you. That is what we are dealing with today. It does not make any sense at all.

I know I have my good friend Senator HOEVEN here from the good State of North Dakota, which is the leading energy producer in the country.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I am pleased to join my distinguished colleague from West Virginia in this discussion of an energy source that is vital to our Nation, and that is coal. North Dakota, like the great State of West Virginia, is a major coal-producing State and a major energy-producing State.

I think my distinguished colleague from West Virginia hit the nail on the head when he said we need a comprehensive energy plan in this country that is truly ''all of the above.'' We need to use all of our energy resources. And different States have different types of energy, and every type of energy has different strengths and weaknesses. The kind of energy we produce in one part of the country or the source of producing that energy is different than in another part of the country.

But the point is that if we take an ''all of the above'' approach, we can be truly energy independent in this country, but also think of the jobs and the economic growth that come with it. My colleague just went through how coal, for example, creates tremendous jobs, and he is right—good-paying jobs. So when we talk about an ''all of the above'' energy approach, we are talking not just about national security in terms of energy independence—not depending on the Middle East or Venezuela or these other places for our energy; that is national security—but it is also about economic growth and jobs and opportunity, a great living for families, a great way to earn and generate income for families across this Nation. That is what a real ''all of the above'' energy approach is about.

So when the administration talks about an ''all of the above'' energy plan, they have to not just talk about it, they have to do it. It is not just talking about it; it is making it happen. The way you make it happen is you have a clear legal, regulatory, and tax climate that encourages investment, does not hold it up, encourages investment, does not tie it up in redtape and regulation that prevents that investment. When you make that investment, what happens is you not only produce more energy, but you deploy these new technologies that do it with better environmental stewardship.

So let's go back to the issue of coal. My distinguished colleague is talking about coal in his State. Well, coal in North Dakota—we are a major producer of coal, and we are a powerhouse for energy in this country—not just coal but oil and gas. We do renewables, solar, biodiesel, ethanol. We do wind. We do all of them. But in the area of coal, we are one of the leaders in deploying these new technologies, and as a result we are one of 14 States in the Nation that meet all ambient air quality requirements nationally. Think about that. Here we are, we are a major coal-producing State, we are a major electricity-producing State, yet we are one of 14 States in the country that meet all ambient air quality requirements.

What am I saying? What I am saying is that when you empower that investment that gets that capital invested in these new technologies, you deploy that technology, you produce more energy, you create great jobs, you grow our economy, and you get better environmental stewardship.

Mr. MANCHIN. Will the Senator yield for a question.

Mr. HOEVEN. I will.

Mr. MANCHIN. If I may ask the Senator this, the Senator and I know the facts of what we do in our States and how we do it and how much energy we produce. Both of our States are energy-producing States. We are net exporters of energy, correct?

Mr. HOEVEN. Correct.

Mr. MANCHIN. Here in Washington, in the atmosphere that you are looked upon, let's say, in the atmosphere you enter into, do they believe we just throw caution to the wind and we do not care about the environment because we come from an energy State? Is that what the Senator is finding when he talks to other colleagues who might not know what an energy-producing State is about, but they sure like what we do?

Mr. HOEVEN. I would respond to my colleague, that is exactly what I am saying. Here we are, a major coal-producing State. We are one of 14 States that meet all ambient air quality requirements. We are No. 1 in surface reclamation, land reclamation—No. 1 in the country. We are rated right at the top in terms of our water and saving our lakes and protecting our water programs.

That is the point the Senator is making. That is the point I try to make all the time. With a States-first approach, States are the ones that can not only encourage that investment but take tremendous pains to make sure they are protecting the environment, growing the economy, and taking care of people who live in those States as well. That is why what we need to do to truly have an ''all of the above'' energy plan for this country is to empower States and empower that investment that we are talking about for all types of energy. Do not say ''all of the above'' as a Federal Government and then come up with regulations that prevent, block, preclude the very investment we need to deploy these technologies and produce energy from coal and other sources.

Mr. MANCHIN. Let me ask another question. If the plan the President has put forward makes it almost impossible to build another coal plant—and maybe shut down many in this country—is there still going to be a demand for our coal overseas? Will we be exporting that coal? It will be burned somewhere in the world.

Mr. HOEVEN. Again, my colleague makes a great point and a factual point; that is, what we are seeing happening as a result of the redtape and the regulations the administration is continuing to put forward and is proposing again to add to in its most recent policy pronouncement on energy—the net effect of that is to preclude investment, is to preclude not only developing new plants with the latest, greatest technologies that will help us take steps forward, exciting steps forward in clean coal technology, but it is forcing existing plants to shut down because the requirements are not feasible, they cannot be met with the current technology. As you shut those plants down, you not only lose the energy, lose the jobs, lose the economic growth here at home, but the coal then is still mined and now exported to other countries, where it is consumed in those other countries that have lower standards than we do.

And think—and think—if, instead, you empower the kind of investment in technology I am talking about in this country, other countries would follow us, so that then when they use their coal, they use these new technologies as well, and on a global basis you start to actually reduce emissions and produce better environmental stewardship.

Again, I would turn back to my colleague for his thoughts.

Mr. MANCHIN. Let me just say this to the Senator. I found out today—the

information I received today was most disturbing from this standpoint: We all know that if we could develop and have a partnership with our government—with the EPA, with the Department of Energy—of finding the latest, greatest of technology that helped us still be able to use the most abundant resource—and the resource that is in the most demand for the whole world, correct—if we could do that, then we could truly make a difference in the global climate—we truly could—worldwide.

I found out today—I am going to make sure these figures are accurate—that there is $8 billion. So the administration can tell me and you: Senators, guess what. We still have $8 billion for clean coal technology in a line item for the Department of Energy.

Guess what. That $8 billion has been line-itemed since 2008. Not one project has been approved for which to use the money. I do not know if you found that. We have not had the technology perfected on a commercial basis for carbon capture sequestration. You have a coal-to-liquid plant, I believe. It has worked well for how many years?

Mr. HOEVEN. I would say to my colleague, he is exactly right. He hit the nail on the head. We are talking about clean coal technology and encouraging development in clean coal technology. But to do it, we have to have regulations that are attainable and feasible that encourage the kind of investment we are talking about.

The project the Senator is referring to is the Dakota Gasification Company, which has been operating now in our State successfully for years. It actually takes coal and converts it to synthetic natural gas—natural gas. That natural gas then goes into a pipeline, goes for all different uses, and meets the CO_2 requirements the administration is talking about attaining right now because it is natural gas.

So it meets that natural gas standard. The coal, we burn. Then we capture the CO_2, we compress it, put it in a pipeline, and it goes into the oilfields for a tertiary or secondary recovery. So we are also producing more oil for mature oilfields. That is an example of the technology and the capital investment and kind of regulatory environment that encourages technology development to not only produce more energy, more jobs, and growing the economy, but as my colleague is pointing out, better environmental stewardship.

That is how to get it done, not just in this country but globally. So the Senator is exactly right.

Mr. MANCHIN. I want to ask my friend this question: Does he believe he could have built that plant in North Dakota today under the regulations that the EPA and this administration were to put in front of him?

Mr. HOEVEN. This is exactly the point. We need these kinds of projects. Work with us as States to empower that kind of development, not shut it off. The Senator is exactly right.

Mr. MANCHIN. What we are saying is how many people would think in West Virginia we have one of the largest wind farms east of the Mississippi? How many do you think really understand that? They think we are all just a one-horse show. We have wind, we have gas, we have coal. We have hydro and biofuel. We are all in. We are trying to use every resource we have the best we can.

All we are asking for is a partnership. It is so hard to find. The people cannot understand. There is an old saying back home: You cannot live with me, and you cannot live without me. I guarantee you will live a lot better with me than you will without me.

This country cannot live with us today and cannot live without us, but they have lived pretty darn good and will live a lot better if they will work with us than against us. I think that is what we are seeing. Our little States are doing the heavy lifting. Our little States have done the heavy lifting. We are providing the energy this country needs. We are providing the economic opportunities to compete globally. If they continue to overregulate to the point they strangle us, they are strangling the economics of this country.

I am just praying to the Good Lord they will listen to us.

Mr. HOEVEN. I would say to my distinguished colleague, I have been to West Virginia. It is an absolutely beautiful State. It is breathtaking, with its hills and valleys and bridges over rivers. It is just a gorgeous, beautiful State.

As my distinguished colleague was saying, what we are talking about is an opportunity. We have a real opportunity to do this and do it right, but we have to get the Federal Government to work with us, whether it is the great State of West Virginia, the great State of North Dakota, or across this country. And it is not just in coal. It is in all of these different types of energy. But you have to work with the States. You have to take a States-first approach that empowers them, that unleashes the entrepreneurial spirit of this country. That is what we need, not a big regulatory maze that nobody can get through. We are talking about common sense that empowers us to do things that can make a big difference for this country.

Mr. MANCHIN. The only thing I would say to my good friend is, we are a Democrat and a Republican from two energy States. It is not bipartisan. Energy should have no partisanship. Energy basically is something we all need and we all use. When you open that refrigerator, you need that energy to keep it cool. When you go into a house out of 100-degree weather, you need to be cool and comfortable. You need energy as a basic quality of life. That has basically made us different from most every Nation.

Every developing nation today is trying everything they can to deliver what we take for granted. All we are asking for is for our President—he is my President, he is your President, he is all of our President. We want to work with him. We want him to be our partner. Do not be my adversary; be my ally. Work with me. We can do it. But we have to be serious about it.

If there is $8 billion sitting on the sideline at the Department of Energy, and you are telling me you are going to use that for clean coal technology, let's start using it. Let's be a leader of the whole world and show the other 7 billion tons of coal that is being consumed in the world how you can do it and do it better. I think that is really what we are saying.

To my good friend from North Dakota, I appreciate so much the approach he has been taking, a most commonsense, a most reasonable, responsible approach. We have been friends for a long time. We were both Governors of our respective States. We worked together. We tried to solve problems. It is exactly what we are still doing here in the Senate. I thank the Senator.

Mr. HOEVEN. Mr. President, I would like to thank my distinguished colleague not only for his work on energy—he is already recognized as an energy leader in this body—but also most recently for student loans. He has taken a bipartisan lead on student loans that I believe has produced a great product, which I am pleased and proud to cosponsor, and on which I believe this body will come together next week and pass.

I think if we pass it, the House will take it up and pass it right away. It is so important for students, so important for our students and their families. It is just such a great example of what we can do working together. I think the good Senator from West Virginia does this so well. I thank him. Whether it is energy or student loans or just a lot of other issues, I want to express my deep appreciation and my fondness for working with him on these important issues.

Mr. President, I ask unanimous consent to speak for 5 minutes on another very important issue.

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

THE FARM BILL

Mr. HOEVEN. I rise today to speak on an issue of great importance to our country, and one that we need to act on and we need to act on now. That is the farm bill. We in the Senate have passed a strong farm bill. It saves $24 billion to help reduce our debt and our deficit. It streamlines our farm programs to make them more efficient and more usable for our farmers and our ranchers. It ensures that our farmers and ranchers continue to have good risk management tools that they need to manage their operations, particularly enhanced crop insurance which is so important for our farmers and ranchers.

Now the House has also passed a farm bill and sent it over to us in the Senate. So we have it. I rise today to urge

my colleagues to join with me and form a conference committee with the House now to get this farm bill done for our farmers and ranchers—not just for our farmers and ranchers but for the American people. This really is about serving the American people, and it is about making sure that we continue to have the highest quality, lowest cost food supply in the world.

That means every single American benefits from good farm policy. We need to move on this bill. We need to act. The current farm bill expires September 30. We are already operating under a 1-year extension. It is time. We need to get going. We need to get this done. We need a long-term farm bill in place for our farmers and for our ranchers.

As I said right now, all Americans benefit from the highest quality, lowest cost food supply in the world. But the farm bill is more than just a food bill, it is a jobs bill as well. Right now in our country there is something on the order of 16 million jobs on a direct and indirect basis—more than 16 million jobs that depend on agriculture. So businesses large and small across this great Nation depend on agriculture.

In addition, agriculture has a favorable balance of trade for our country. Let me just give you a few of the statistics. This year it is estimated that we will export almost $140 billion worth of ag products. Think of all the dollars, the revenue that comes back to our country, the job creation, the economic growth, the employment, at a time when we need to create more jobs in this country, $140 billion that we export in food products all over the world supporting jobs and economic activity in this country.

A favorable balance of trade helps us in terms of our financial situation—a favorable balance of trade of almost $30 billion. In 2012, exports, more than $135 billion; in 2011, more than $137 billion in ag products from this country supporting jobs and economic activity in this country, and a favorable balance of trade of more than $40 billion.

Finally, agriculture is about more than just food. It is about fuel and fiber, and it is about national security. We do not have to depend on other countries for our food supply because our farmers and ranchers take care of it right here at home. So it is even a national security issue as well, making sure that we have the food supply that is dependable, nutritious, the highest quality, lowest cost in the world right here available to us at all times.

One other point I will make before I conclude; that is, our farmers and ranchers are stepping forward at a time when we have a deficit and a debt, and they are doing their part to help address this deficit and debt—$24 billion in savings, when the actual portion of the farm bill that actually deals with farmers is actually less than 20 percent of the whole bill.

Our farmers are stepping forward and helping the deficit with $24 billion in reduction. Just think for a minute. If we can do that across government, think of the impact it would have in terms of helping us to reduce this deficit and get our deficit and debt under control in this country.

It is time to move forward with the farm bill. The next step is to go to a conference committee with the House. We need to get that done. We need to get that done now and get a long-term farm bill in place for our farmers, for our ranchers, and for this great Nation.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. WARREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

STUDENT LOAN PROGRAM

Ms. WARREN. Madam President, it has been 18 days since the interest rate on new direct student loans doubled from 3.4 percent to nearly 7 percent. Students will head off to college in a few weeks and Congress still has not found a way to keep their interest rates low. In Massachusetts, our kids, our parents, our schools are worried.

I want to go over the history so we are all clear about how we got here. For months Democrats have argued we need to keep interest rates low. We have made at least three attempts to do this. For example, I introduced a bill that would have dropped interest rates on direct loans for 1 year to the same level at which banks borrow from the Federal Government, which is currently less than 1 percent. I introduced that proposal because I believe the Federal Government should invest in our students, not just in our biggest banks.

We also proposed to extend the current interest rates at 3.4 percent for 2 years, paid for by closing tax loopholes, and Senator REED and Senator HAGAN offered a bill to keep rates low for 1 year. All three proposals had two features in common: They cut costs for students, and they gave us some short-term breathing room to take on bigger problems, including how to refinance $1 trillion in outstanding student loan debt, and how to reduce the overall costs of college for all our students.

When we brought the last two proposals to a vote, they won by a majority, but they didn't pass because the Republicans filibustered both bills. We could have kept rates low, but the Republicans, every single one of them, voted to block that. Instead, Republicans put together their own long-term plan. It was an amazing plan. According to official government accounting, it would have generated $184 billion in profit that the government is already projected to make by doubling interest rates on student loans over the next 10 years; and then the Republicans would have added another $16 billion in new profits.

That is billions in pure profit—profit after we have accounted for the cost of money, after the cost of administering the loan, and after the cost for bad debt losses. All those profits would be made off the backs of our kids who are trying to get an education.

So here we are, 18 days past the July 1 deadline, and students are being hurt because Republicans filibustered these reasonable plans, even though the plans had support from a majority of Senators.

Chairman HARKIN, who has been a leader on this issue from the very start, has been doing his absolute best to find a solution that Republicans would not filibuster so when students start taking out loans in a few weeks they won't be the ones to pay for Republican obstruction. Others, such as Senator JACK REED, Senator STABENOW, and the majority leader, have also worked very hard to find a solution. But here is the problem: From the very beginning, Republicans have dug in their heels and insisted that any new student loan proposal maintain the same $184 billion in profit the government will make on new student loans over the next 10 years. They insist that whatever we do, the government must make the same profits off the students they will make now by doubling the interest rate to 6.8 percent. They say: Whatever you do, make sure the government makes $184 billion off our students.

Many Senators who care deeply about this issue, such as Chairman HARKIN, Senator DURBIN, Senator MANCHIN, and Senator KING, have been doing their best under these circumstances to help the students, and I applaud their commitment to our students. They have succeeded in getting at least some Republicans to support a proposal that will result in lower interest rates for some students for a couple of years. But in the end, this is a simple math problem. If Republicans insist we continue to make the same amount of profit in the student loan program, that means students in future years will have to pay even higher rates to make up the difference. In other words, kids who are sophomores in high school right now will end up paying even more so students who are sophomores in college today can pay a little less. I don't believe in pitting our kids against each other. I don't think high school sophomores should pay more so college sophomores can get a little break. In fact, I think this whole system stinks.

We should not go along with any plan that demands our students continue to produce huge profits for the government. This is wrong. Making billions and billions in profits off the backs of our students is obscene. The Republican position is that they refuse to give up a single dime of these profits. In fact, the latest proposal adds another $715 million in additional profits. The Republican position is we don't

need to close tax loopholes or to ask wealthy Americans to pay their fair share because we have a ready-made profit center for funding the Federal Government—middle-class families who are struggling to pay for college.

I have the deepest respect for the Senators who have tried so hard to come up with a deal for our students under these Republican conditions, and I have no doubt their intentions are honorable. But I can't support this proposal. I have fought hard for working families and middle-class families for nearly all of my grownup life. I fought back against credit card companies that put out zero-interest cards planning to make all their profits in the fine print. I fought back against teaser-rate mortgages that promised low rates in the first 2 years but then shot up to rates that pushed millions of people into foreclosure. And now the Senate is offering its own teaser-rate loan program? A great deal for students this year and next, but every kid who borrows after that gets slammed. That is not the business the U.S. Government should be in.

I understand compromise isn't always pretty, but there is no compromise in this bill. With the student loan rates now at 6.8 percent, if Congress does nothing, the government will make $184 billion in profits. Under the new proposal, the government will make the same $184 billion in profits plus another $715 million in additional profits. And that all comes directly off the backs of our students.

I want to see these profits go down. I know we may not be able to do it all at once, but we need to take a step now to lower the profits we make off the backs of our kids, not lock them in for the next 10 years. At a minimum, I urge my colleagues to support the amendment of Senator JACK REED to cap the interest rate under this plan at current law. That amendment is the only way to ensure no student ever ends up paying more than they would if Congress did nothing.

Long term, we need to do three things: First, eliminate government profits from new student loan programs, period. Second, refinance existing student loan debt to reduce the profits that are crushing our people. And third, reduce college costs so that American families can pay for college without burying themselves in debt. That is what we need to do. And no matter what happens with this current proposal, that is exactly for what I am going to keep fighting.

I appreciate the hard work my colleagues have done to try to defeat the Republican filibuster on keeping student loan rates low, but our students are drowning under $1 trillion in student loan debt, and I cannot support a compromise proposal that squeezes even more profits off our kids.

Madam President, I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Madam President, I wanted to come to the floor while the Senator from Massachusetts was giving her remarks and was still here to say a few things about the bipartisan student loan proposal.

There are a couple of things I want to point out for the RECORD. She has made a point about our student loan programs and how much they cost students, and she is right about the basic $184 billion the government is going to generate over 10 years in this program. I would support a proposal to change that, but the fact is it doesn't have the votes to pass.

Here is the reality. We are talking about this issue with a divided Congress. We are talking about this issue where the House of Representatives is controlled by the other party and doesn't see this issue at all the same way the Senator from Massachusetts and I do. Secondly, we are up against the filibuster rule in the Senate requiring 60 votes. We have 54 Democrats. So this global change she has spoken of and referred to is one she and I could probably agree on in a hurry but it is not going to happen. The question is: What can we do now to help students?

On July 1, because we did nothing, the student loan interest rate on subsidized loans went from 3.4 percent to 6.8 percent. Students are now facing 6.8-percent interest rates on subsidized loans. I think that is just plain wrong. What can we do about it? One version says nothing, do nothing. Don't change anything. Let the students right now continue to pay 6.8 percent. What is wrong with that?

It is obvious. Basic interest rates in this country are dramatically lower than that. You can get mortgage interest on a home for 3 or 4 percent, maybe even lower in some places. In addition to that, we have students who have to make some life decisions pretty quickly. They need some certainty about what is going to happen here. So I have set out to bring that interest rate down as quickly as possible, as low as possible. That is the bipartisan proposal before us. Those who vote against the bipartisan proposal are voting to keep interest rates now at 6.8 percent—the interest rates that have doubled from 3.4 percent to 6.8 percent. And the Senator from Massachusetts can tell you that will generate many billions of dollars to the Treasury at the expense of these students. So a vote against any change, a vote for the status quo, is a vote to charge students $37 billion in interest over the next 5 years.

I don't think that is right. I think it is far better for us to bring these student interest rates down as quickly as we can and hold out the possibility we will revisit this again and bring them down even further in the future. Maybe things will change politically. But to step away from this whole conversation and say that because we can't change the global problem of student loans, because we can't bring them down to the level we want, we will leave them at 6.8 percent, I don't think is a good outcome. I don't think that is in the best interests of the students and their families. They are going to be facing more debt for the next 5 years with that approach than they would under the bipartisan bill. And that is the one thing I would like to correct for the RECORD. I believe the Senator mentioned that students would be paying more than 6.8 percent in 2 or 3 years. Under the proposal before us, based on projections on interest rates, the same projections everyone is using here, it isn't until after the fifth year that students would pay anything near 6.8 percent. It would be 6.29, 6.3 percent that fourth year, and then 7.0 percent the fifth year.

So doing nothing means students who would be protected with lower interest rates, for 4 out of the next 5 years by this projection, are going to pay more. How is that a victory for students? How do they come out ahead in that deal? They didn't. They are paying higher interest rates.

There are some who want to hold out for something different. I would like to join them, but I have watched the votes. The Senator from Massachusetts and I have both voted the same way. We voted with Senator JACK REED: Let's keep that rate at 3.4 percent—and we lost. Then he came back and said: Let's try it again—and we lost. Now he is going to propose a 6.8-percent cap—which I can vote for—and we will lose again.

Then you face the reality, are you going to say at that point: I don't want to talk about this anymore. I just want to go home. That is the end of the story. Students pay 6.8 percent. Sorry, we couldn't solve it—or do you accept this bipartisan compromise, which brings the interest rates down for the next 4 years below 6.8 percent? I think that is a pretty easy choice. I think it is one that may not be what I want to see, but I am dealing with the reality of Congress as it currently exists and what we are currently faced with.

In terms of the cost of education, though, the Senator from Massachusetts and I do agree on this part of it: Kids pay too much for college today virtually every place they go, and the interest rates are too high. But it is a dual problem. Simply addressing student loan interest rates, even for 4 years, still leaves the overall arching issue of the cost of higher education.

I have had several conversations with the President over the last several days. I know he is going to come back quickly with a proposal from this administration to deal with the cost of higher education. I am going to support him too. I don't know the particulars. Maybe I will disagree with one thing or another, but I will sure support his effort to bring down the overall cost of higher education. That is an important part of this conversation.

I just was on the phone with him a few minutes ago talking about the student loan program and what we are faced with. He doesn't like the choices we are faced with, but he wants to keep

interest rates below 6.8 percent, if we can. The bipartisan approach keeps them below 6.8 percent. Voting against it means that students for the next 4 years will pay higher interest rates on their student loans than they have to.

So I would encourage my colleagues, don't dismiss the bipartisan plan. Vote for the alternatives. JACK REED may offer one, BERNIE SANDERS of Vermont may offer one. Vote for those. We know what will happen. We will not get enough votes. But then make the hard choice: Do you want students to face 6.8 percent this year, next year, and the 2 following years or a lower interest rate, which is what this bipartisan plan will produce.

We went through a lot of negotiations on this. Many Republicans have a much different view than we do on this whole subject. I was lucky. I am old enough to have benefited from the first student loan program. It was a student loan program that came about because the Soviets launched a Sputnik satellite that scared the world out of the United States. We didn't have one. They sent a rocket to space and launched a Sputnik satellite and we thought: Oh, my goodness. They have the bomb and now a satellite and we are doomed. Congress, in a bit of a panic, created the National Defense Education Act. The Presiding Officer remembers that and maybe she benefited from it. I did and so did the Senator from Massachusetts.

I borrowed money to go to college and law school and 3 percent was the interest rate. I think it was a fixed interest rate, if I am not mistaken. One year after I finally graduated from school, I started paying it back in 10 installments, paying 3 percent—a pretty good deal. I paid my money back, thinking now the next generation can benefit from it.

My personal point of view is that education is worth a subsidy. So when JACK REED comes to the floor and says a 6.8-percent cap and will pay for it by closing a tax loophole, he has my vote. But he will not have 60 votes on the floor.

So if that fails, what do we do next? Nothing? If we do nothing, the 6.8-percent interest rate stays in place, and students pay it, even though under the alternative they wouldn't have to face it for the next 4 years. I think in 4 years we can do better. I think, within that 4-year period, protecting them from 6.8 percent, we have a chance to do even better, and I would like to work to achieve that goal.

Congress may change. Maybe it will change with a more positive viewpoint toward student loans. But at the moment, we have to make a choice, and the choice involves buy-in on the Republican side.

What they are looking for—not unreasonable but different—is to have a long-term approach rather than a short-term approach. I would rather have a short-term approach. They prefer a long-term approach. They want it based on some basic interest rate we can calculate, a 10-year Treasury rate, as applied to virtually every option we have considered, save one. All the others have had a 10-year Treasury rate as a basis. They say you can add to that 10-year Treasury rate what it costs for defaults on loans and administration of loans, and we have tried to do that. We have said to them, at the end of the day, we don't want to add more money from the students and their families to pay off the deficit. It shouldn't be viewed as a tax on students.

Here is where I would disagree with the Senator from Massachusetts: $715 million over 10 years is a lot of money. It is a huge amount of money. Let's put it in context, and here is the context: Each year, student loans amount to about $140 billion; over 10 years, $1.4 trillion. What percentage of $140 billion is $71 million? That is 715 divided by 10. I did the calculation, and it is something like .0005 percent. It is decimal dust: $71 million a year out of $140 billion in loans. I would like to get it down to nothing.

But here is the bottom line. This tiny fraction of decimal dust, $71 million a year, is no reason not to protect these students from 6.8 percent interest.

By my calculation, if you accept the notion we are going to go to 6.8 percent interest and stay there as our solution, for the time being, students are going to pay about $100 more a month, as I understand it, on the basic loans they are faced with. That, to me, is an unacceptable alternative.

For $71 million a year, for $140 billion in loans, this tiny fraction of a percentage is no reason to walk away from a loan package that is much more generous to students and their families. If we can get it down to zero, let's get it down to zero. But please, walking away from that just doesn't make sense.

Here is what students will face. If this bipartisan proposal goes through, the interest rates students pay now on their student loans, subsidized and unsubsidized, will go down from 6.8 percent to 3.8 percent. That is the immediate savings this year for students who are enrolling in college, 6.8 to 3.8. For students who are borrowing money, it is a lot. To walk away from that and say: I am sorry. If I can't get a better deal, then students are just going to have to pay that extra 3 percent interest, I don't think that is a good outcome.

It is better for us to give this relief to the students and their families and work to improve it. I will work with the Senators from Massachusetts and Hawaii to do that. But simply saying 6.8 percent forever is a victory is not. It is a penalty. It is a penalty on a lot of hard-working families and the students who come from those families. Let's avoid that if we can.

Let me add one particular footnote and chapter to this. The worst offenders when it comes to student loans and student loan defaults are the for-profit colleges.

I always ask people to remember three basic numbers about the for-profit students: What are the for-profit schools? Let me give you the big names. The University of Phoenix is the biggest one, with more than the combined enrollment of all the big 10 schools. The University of Phoenix, Kaplan University, which is owned by the Washington Post Company, DeVry University out of Chicago, those are the three big ones.

As a category, for-profit colleges educate 12 to 13 percent of all the high school graduates in this country. So stick with the number, 12 percent of high school grads go to for-profit schools. For-profit schools receive 25 percent of all the Federal aid to education. They are soaking up the dollars for students by a margin of 2 to 1 over the students they are taking. Here is the kicker: 47 percent of all student loan defaults come from students in for-profit schools.

What does that tell you? They are being charged too much for their education, they can't get a job to pay it back, and they default on the loan. The bottom line on student loans is they are not dischargeable in bankruptcy. A student who can't pay that loan still has that debt and burden for a lifetime. The parent who cosigned? They are on the hook as well—not dischargeable in bankruptcy. It is a lifetime debt.

So we have a lot to do to clean up higher education, and I hope we go after for-profit schools as part of it. They need to be held accountable.

I will close by saying this. I accept the premise of the statement made earlier by the Senator from Massachusetts: We can do better on student loans. I am for it.

We don't have the votes to achieve it. We don't have them in the Senate. We don't have them in the House. So the question is, will we do nothing? Doing nothing means that students and their families will pay 6.8 percent interest on their loans for the foreseeable future, 1 year, 2, 3 or 4 years. Taking the bipartisan compromise reduces the interest rate on student loans for both subsidized and unsubsidized loans from 6.8 percent to 3.8 percent immediately—a 3-percent savings right now for students and families—and it doesn't reach 6.8 percent until the fifth year from now. Between now and then we can do better.

Walking away from this bipartisan approach is going to mean more debt for today's students and higher interest payments, and I don't think that is fair.

So let's do the best we can to change the system, accept the political reality, and come out with the best outcome for students and families.

I hope that at the end of the day we can see some change in the composition of Congress and move closer to a model we all accept.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, I thank my friend from Illinois for all the work he has done on this issue and so many other issues. He knows I disagree with him on this and do not intend to vote for this bipartisan agreement.

He makes a good point in saying we don't have the votes. We don't. We don't have the votes because we have a political party here that could care less about the needs of working families and about college affordability.

I would say to my friend from Illinois that if we are going to win this fight and protect college students, we have to take the fight to the American people. When we work with Republicans to make college unaffordable, then the American people are going to say: What is the alternative?

So from a political strategy, I would say to my friend from Illinois we have the people on our side. We have parents on our side and we have young people on our side. Our job is to bring forth a proposal that they can demand be accepted. If we collapse on this issue, then they are going to be looking out and saying: What is the alternative?

The Senator from Illinois makes a valid point; that in the next few years, in fact, it is not a bad deal. It is not as good as I would like, but it is not a bad deal. That is why, as I mentioned to the Senator a few moments ago, I will be bringing forth an amendment to say: Let us sunset this agreement in 2 years. We are bringing up the higher education authorization bill. It will give us an opportunity to deal with this issue of student loans and the higher cost of college in general. Why do we need a permanent bill right now when we are going to be working in the fairly near future on the higher education bill?

So my view is a 2-year sunset to this bill. It is not everything I want, but it will protect students. If we are going to talk about variable interest rates, let them at least take advantage of lower interest rates.

What CBO is projecting is that in years to come interest rates are going to go up. According to the CBO, under this legislation, the good news is that interest rates would only be, for Stafford subsidized, 3.86; in 2014, it will be 4.6, not so good; 2015, 5.4, really not good; 2016, 6.29, worse; 2017, 7 percent; 2018, 7.25; and, by the time we get to 2023, it would also be at 7.25.

We have a crisis right now in terms of student indebtedness. Why would we want to make that crisis even worse?

The second point I would make is that right now it is estimated that the Federal Government will earn about $180 billion in profits over the next 10 years on student loans. I suggest that while I have no problem with the Federal Government making profits on this or that endeavor, this is not a particularly good area to be making profits because they are making profits off of low- and moderate-income people who want to send their kids to college.

I can think of a lot better ways to make money, to help us with the deficit, than by forcing low- and moderate-income parents and students to pay more than they should be paying. If we want to do deficit reduction, maybe we can ask the one out of four corporations in America that pays nothing in taxes to start paying their fair share of taxes. Maybe we can address growing wealth and income inequality in a way that brings us in more revenue. But it is almost a form of regressive taxation to say to low- and moderate-income students and families: You want to go to college, you want to make something of yourself, you want to make it into the middle class, you want to help make our Nation more competitive—and in a 10-year period we are going to make $180 billion in profits off of your desire to go to college. I think that is wrong.

If we look around the world, in an increasingly competitive global economy what we find is that we are at the very bottom in terms of the kind of support we give our young people and their families to go to college. Right now in Vermont, which is a little bit higher than the national average, our young people are graduating from a 4-year school $28,000 in debt. That is on average, meaning lower income young people will graduate deeper in debt.

What does it mean in a difficult economy, a challenging economy, to start off your adult life $40,000 or $50,000 in debt? If you go to graduate school, that number goes way up. I talked to a couple of young dentists in Vermont last year. They had over $200,000 in debt starting off their professional careers—dentists, doctors, people in graduate school.

A couple of months ago I had the Ambassador from Denmark come to the State of Vermont to do some town meetings with me. Do you know how much debt young people who graduate college, graduate school, medical school, in Denmark have? They have zero because that country and many other countries have made what I think is the rational conclusion that it is important to invest in our young people. We need their intellectual capital, we need the best educated workforce that we can get, and we want to encourage people to go to college, not discourage them by high college costs.

I think we can do a lot better than this bipartisan bill. The danger with the bipartisan bill is that the CBO and virtually all economists tell us interest rates are going up. If you peg your student loan to a variable interest rate, and those interest rates are going up, then the proof is in the pudding, according to the CBO, that in a number of years students are going to be paying very high interest rates.

Given the fact we are going to be dealing with higher education reauthorization within a year, which needs to tackle a whole lot of issues within the issue of higher education, including student loans, my suggestion will be, and my amendment will be to say: Let's sunset this legislation at the end of 2 years. Let's take advantage of the low-interest loans and give us the time to come up with a long-term plan.

I look forward to my colleagues supporting that amendment.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

FEDERAL AGRICULTURE REFORM AND RISK MANAGEMENT ACT OF 2013

Ms. STABENOW. Madam President, it is my pleasure to ask unanimous consent that the Senate proceed to the consideration of Calendar No. 136, H.R. 2642; that all after the enacting clause be stricken and the text of S. 954, as passed by the Senate, be printed in lieu thereof; that H.R. 2642, as amended, be read a third time and passed; the motion to reconsider be considered made and laid upon the table; that the Senate insist upon its amendment, request a conference with the House on the disagreeing votes of the two Houses; and the Chair be authorized to appoint conferees with the ratio of 7 to 5 on the part of the Senate, all with no intervening action or debate.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2642), as amended, was read the third time and passed.

Ms. STABENOW. Madam President, let me just take a moment to thank my ranking member Senator COCHRAN and to indicate we are in fact now officially sending back our Senate bill to the House and requesting a conference on the farm bill. This is a very important step this evening.

I thank the senior Senator from North Dakota Mr. HOEVEN, who has done yeoman work this evening and today, and the senior Senator from Georgia Mr. CHAMBLISS, who has been very involved, as well as other members of the committee, for working hard to bring us to this point.

As everyone knows, we have been working very hard on a bipartisan basis in the Senate. We have produced a product that is comprehensive, bipartisan, balanced; that addresses the agricultural needs and concerns of our country in a 5-year farm bill; that addresses food security and conservation of our soil and land and water; bioenergy, rural development—we could go on and on with all of the pieces of the farm bill that are so important.

We also do this on behalf of the 16 million men and women in America

who work hard every day in some part of agriculture and the food industry, the riskiest business in the world. Nobody else has to worry for their products or services, about whether it is going to rain or not today or be too hot or too cold. There are folks who do that every single day. Because of them we have the safest, most affordable food supply in the world.

On behalf of all of them, I truly thank my committee, our committee that has worked incredibly well together. As I said, we have had tremendous leadership shown as we have moved to this process to go to conference. I could thank every member of our committee, but I do believe I need to, one more time, indicate that Senator HOEVEN and Senator CHAMBLISS have been invaluable in this process. Senator HOEVEN was spending a lot of time tonight, as everyone else was getting on airplanes, to help be able to get to this point.

I certainly could go down the list. I hate to always not mention someone I may have missed because we certainly had a strong committee presence and a desire to continue to do great work in the Senate on the issue of supporting farmers and ranchers. This is a very important step as we move forward in what I am very confident, despite the twists and turns, will result in a bipartisan farm bill.

I commend, despite terrific odds and challenges, the chairman in the House and ranking member in the House for their efforts. I am confident that working together we will be able to get this done for the American people.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TRANSPORTATION, HOUSING, AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014—MOTION TO PROCEED—Continued

Mr. REID. Madam President, what is the matter before the Senate?

The PRESIDING OFFICER. The motion to proceed to S. 1243.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 99, S. 1243, a bill making appropriations for the Department of Transportation, and Housing and Urban Development and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

Mark Begich, Barbara A. Mikulski, Patty Murray, Mark R. Warner, Tom Udall, Martin Heinrich, Angus S. King Jr., Sheldon Whitehouse, Elizabeth Warren, Dianne Feinstein, Patrick J. Leahy, Tom Harkin, Jack Reed, Richard J. Durbin, Richard Blumenthal, Mary L. Landrieu, Jeff Merkley, Harry Reid.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived; that the vote on the motion to invoke cloture on the motion to proceed occur at 12 noon on Tuesday, July 23; that if cloture is invoked, all postcloture time be yielded back and the Senate proceed to vote on the motion to proceed; that if the motion to proceed to Calendar No. 99, S. 1243, is adopted, the text of H.R. 2610, as reported by the House Appropriations Committee, be deemed House-passed text for the purposes of rule XVI.

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

CONSULTATION REQUEST

Mr. COBURN. Madam President, I ask consent that the following letter be placed in the CONGRESSIONAL RECORD.

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

U.S. SENATE,
Washington, DC, July 18, 2013.

Hon. MITCH MCCONNELL,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I request that I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding S. 162, the Justice and Mental Health Collaboration Act of 2013.

I support the goals of this legislation and believe incarcerated offenders suffering from mental illness should have access to treatment. However, I believe the responsibility to address this issue, as it relates to inmates in state and local prisons and jails, lies with the state and local governments that manage these correctional systems. Furthermore, while I do not believe this issue is the responsibility of the federal government; if Congress does act, we can and must do so in a fiscally responsible manner. My concerns are included in, but not limited to, those outlined in this letter.

While this bill is well-intentioned, it authorizes $40 million per year for five years, costing the American people at least $200 million dollars without corresponding offsets. Furthermore, the Congressional Budget Office (CBO) has not yet scored the legislation. This bill authorizes new permissible purposes for the existing grant program including, among others, funding for veterans' treatment courts, correctional facility programs, and state and local law enforcement academy training. Expansion of services through additional permissible purposes or new grant programs, however, requires the Department of Justice (DOJ) to carry out additional responsibilities. Thus, even if the legislation may be implemented by existing DOJ staff, it is not free of future administrative expenses or costs the CBO may identify that would result in a score beyond the bill's stated funding authorization.

It is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. The U.S. national debt is now over $16.7 trillion. That means almost $53,000 in debt for each man, woman and child in the United States. A year ago, the national debt was $15.9 trillion. Despite pledges to control spending, Washington adds billions to the national debt every single day. In just one year, our national debt has grown by $800 billion or 5%.

In addition to these fiscal concerns, there are several problems specific to this legislation. First, while I recognize both our federal and state criminal justice systems must accommodate mentally ill offenders, which is a difficult and costly task, it is not the responsibility of the federal government to provide funding to treat this population of offenders within state and local prison systems.

In fact, states face a much larger challenge than the federal government, as they incarcerate the vast majority of inmates in this country. According to the Department of Justice Bureau of Justice Statistics (BJS), of the 1.59 million total inmate population in 2011, 1.38 million are incarcerated in state facilities compared to 216,362 in the federal system. As a result, states also care for the largest population of mentally ill offenders. The most recent BJS data notes 56 percent of state inmates and 64 percent of jail inmates displayed a mental health problem compared with 45 percent of federal inmates. Furthermore, BJS found only 8.9% of federal inmates displayed both a history and symptoms of mental health problems, while over 17% of state and local inmates experienced those problems. Thus, although states have an awesome responsibility in this area, they also have a great opportunity to lead by way of experience and example. Many have done so by developing and funding their own innovative ideas to enhance programs for and treatment of mentally ill inmates.

In September 2009, the Senate Judiciary Committee, Subcommittee on Human Rights held a hearing entitled, ''Human Rights at Home: Mental Illness in U.S. Prisons and Jails,'' in which we heard testimony from representatives of two state prison systems and a state court judge who outlined the different challenges faced by their states. These states and others have taken action to address their mentally ill prison populations, but often each tackles the problem with a different approach. For example, from 2003–2007, New York legislators and governors engaged in a battle over reforming the slate's policies on this issue, and in 2007, Oklahoma established a program to provide inmates with serious mental illness a comprehensive plan for release, including access to support services and medication. The program set up two intensive care coordination teams in Oklahoma City and Tulsa to help state inmates close to release obtain access to community mental health centers, among other services.

There is significant diversity within the inmate population both among states and between state and federal prison systems, Oklahoma and New York incarcerate different types of inmates with different mental

health needs. Indeed, each addressed the problem with diverse solutions—New York focused on in-prison treatment alternatives, while Oklahoma chose to provide post-incarceration support services. Thus, the one-size-fits-all approach to treating mentally ill state and local inmates outlined in this legislation also fails to address the variety of state needs.

Second, Congress should focus instead on its duty to federal inmates within the DOJ Bureau of Prisons (BOP). Over the last several years, BOP costs have significantly increased such that its budget is poised to surpass the Federal Bureau of Investigation (FBI) as the largest percentage of the entire DOJ budget. In its FY 2014 budget submission, the DOJ requested approximately $6.9 billion for the federal BOP, an increase of $295.1 million over FY 2012. As a result, the BOP represents 25 percent of the entire DOJ budget ($27.6 billion), with the FBI barely ahead at $8.44 billion, representing 30.5 percent of the DOJ budget. Congress must live up to its responsibility to conduct oversight and set an example to the states by ensuring the BOP's massive budget appropriately allocates taxpayer dollars for all of its programs, including services for mentally ill offenders who are truly in need of treatment.

However, S. 162 ignores the problems within the federal BOP. The bill funds the Adult and Juvenile Collaboration Program grant for state and local governments to use federal dollars to support treatment and services for state and local inmates who are mentally ill. It also expands this grant program to allow funds to be used for services for veterans treatment courts, training for employees of state and local correctional facilities to respond to incidents involving mentally ill inmates, and support for state and local law enforcement orientation programs, continuing education and academy curricula. By failing to address the challenges faced by mentally ill inmates within the federal BOP, Congress exacerbates its misplaced spending priorities.

Finally, I do not believe the federal government has the authority under the Constitution to provide federal funds to state and local governments to provide services to state and local inmates with mental health problems or provide training to state and local law enforcement officers. Article I, Section 8 of the Constitution enumerates the limited powers of Congress, and nowhere are we tasked with funding or becoming involved with state and local corrections issues.

There is no question those who suffer from mental illness should be treated appropriately while incarcerated. However, I believe this issue, as it pertains to state and local inmates, is the responsibility of the states and not the federal government. Despite these Constitutional limitations, if Congress does act in this area, like most American individuals and companies must do with their own resources, we should evaluate current programs, determine any needs that may exist, and prioritize those needs for funding by cutting from the federal budget programs fraught with waste, fraud, abuse, and duplication.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator.

TRIBUTE TO AMBASSADOR JOSEPH V. REED

Mr. MURPHY. Madam President, I rise today to recognize a distinguished and outstanding citizen of the State of Connecticut, Ambassador Joseph Verner Reed.

Ambassador Joseph Verner Reed has served as a senior diplomat at the United Nations for 30 years. A diplomat's diplomat, he was appointed by President Ronald Reagan as Ambassador of the United States of America to the Kingdom of Morocco in 1981 and in 1985 as the Representative of the United States to the Economic and Social Council of the United Nations as Deputy Permanent Representative at the United States Mission. In 1987, he was appointed Under-Secretary-General of the United Nations for Political and General Assembly Affairs. In early 1989, President George H. W. Bush appointed Ambassador Reed the Chief of Protocol of the White House, where he served until late 1991.

In 1992, the then Secretary-General of the United Nations, Dr. Boutros Boutros-Ghali, appointed Ambassador Reed Under-Secretary-General of the United Nations and Special Representative for Public Affairs, concluding his assignment in February 1997. In June 1997, Secretary-General of the United Nations, Mr. Kofi A. Annan, re-appointed Ambassador Reed as President of the Staff-Management Coordination Committee, SMCC, the highest internal body of the World Organization. Ambassador Reed served SMCC for 12 years, concluding his assignment in December 2004.

In January 2005, Secretary-General Kofi A. Annan appointed Ambassador Reed as Under-Secretary-General and Special Adviser. In February 2009, Secretary-General Ban Ki-moon reappointed Ambassador Reed as Under-Secretary-General and Special Adviser. Ambassador Reed continues to serve the organization.

Recently, Ambassador Reed was honored with the presentation of the distinguished achievement award by the American Society of the French Legion of Honor. I ask unanimous consent that the remarks made at that event by the President of the Society, Guy Wildenstein, as well as Ambassador Reed's response, be printed in the RECORD.

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

ANNUAL MEETING OF THE AMERICAN SOCIETY OF THE FRENCH LEGION OF HONOR

PRESENTATION OF THE DISTINGUISHED ACHIEVEMENT AWARD TO AMBASSADOR JOSEPH VERNER REED

INTRODUCTION BY MR. GUY WILDENSTEIN, PRESIDENT OF THE SOCIETY, WEDNESDAY, NOVEMBER 14, 2012, THE LINKS CLUB, NEW YORK CITY

Fellow Legionnaires, Dear Friends, It is always a privilege and an Honor to be able to present our Society's most prestigious medal.

On December 6, 1966, at our Society's Annual Meeting, almost 46 years ago, a new resolution was adopted.

It was decided that a medal of the American Society of the French Legion of Honor be struck and that such medal would be awarded yearly for distinguished achievement to individuals whom the Society may wish to especially honor.

According to the minutes of the December 1966 meeting, the medal would be presented to persons esteemed by the Society to honor their humanitarian acts for cultural, educational, artistic, scientific or business objectives.

Today, we are gathered to present this prestigious medal to such an outstanding individual, Ambassador Joseph Verner Reed.

In some cases, such as this one, there is an added emotion for me; the one I feel when presenting it not only to someone I profoundly admire, but also to a friend.

Mr. Ambassador, dear Joseph, I have learned that your ancestors arrived by means of a very small boat called the Mayflower.

Little did they know that the land they were setting foot on would become the most powerful country in the world, and that their descendant would be traveling the globe on board Air Force One.

To get back to you, you were born in New York City and after graduating from Deerfield Academy and Yale University, in 1961, you joined the World Bank as Private Secretary to the President.

From 1963 to 1981 you were Vice President and Assistant to the Chairman of the Chase Manhattan Bank, Mr. David Rockefeller.

Your brilliant diplomatic career started, when President Ronald Reagan appointed you Ambassador of the United States to the Kingdom of Morocco in 1981.

Upon leaving this post in 1985, you were conferred the prestigious Order of Commander of the Throne, the only time a foreigner had received this honor. President Reagan then appointed you as the Representative of the United States to the Economic and Social Council of the United Nations and as Deputy Permanent Representative at the United States Mission.

In 1987, you were appointed Under-Secretary-General of the United Nations for Political and General Assembly Affairs, and later President George H. W. Bush appointed you the Chief of Protocol of the White House, where you served until late 1991.

In 1992, the then Secretary-General of the United Nations, Dr. Boutros Boutros-Ghali, appointed you Under-Secretary-General of the United Nations and Special Represetative for Public Affairs.

In 1997, his successor, Secretary-General Kofi Annan, re-appointed you as Under-Secretary-General and as President of the Staff-Management Coordination Committee, the highest internal body of the World Organization, on which you served for twelve years.

In 2005, you were appointed Under-Secretary-General and Special Adviser by Secretary-General Kofi Annan, and re-appointed in 2009 by the current Secretary-General, Mr. Ban Ki-moon.

This past April you became the Dean of UN Under-Secretaries General, having served at that level with various capacities for almost three decades.

Today, you continue to serve the organization with the same fervor and polished savoir-faire than when you started.

Along your prosperous career, you have also received numerous honors and decorations.

You have been described as courteous, elegant and knowledgeable: in my humble opinion an understatement, when describing the consummate diplomat that you are.

When decorated Officier of the French Legion of Honor in 1991, you were cited for your special talents for the profession of diplomacy.

''Who can say how much diplomacy—and I am thinking, of course, not only of United States diplomacy, but of diplomacy at large—would have been lost if Joseph had not entered its ranks?'' asked the Ambassador of France to the US Jacques Andreani.

Additionally, you have received many decorations from Italy, Spain, Egypt, Jordan, Central and South America and Africa.

You also received several honorary doctorates, and Yale University awarded you their highest honor: The Yale Medal.

You have served on this Society's Board as a Director and Vice President for many years, and in addition currently serve on our Executive Committee.

We could not imagine running this Board without your distinctive expertise and knowledgeable guidance, and the Society is extremely honored to count you among its Life Members.

And today, Mr. Ambassador, dear Joseph, I am very proud to present you with our Society's 2012 Medal for Distinguished Achievement.

RESPONSE BY AMBASSADOR JOSEPH VERNER REED UPON RECEIPT OF THE MEDAL FOR DISTINGUISHED ACHIEVEMENT AT THE ANNUAL MEETING OF THE AMERICAN SOCIETY OF THE FRENCH LEGION OF HONOR

WEDNESDAY, NOVEMBER 14, 2012 THE LINKS CLUB NEW YORK CITY

I am greatly honored to receive this ''Award for Distinguished Achievement'' from the Society.

I love France. I have great admiration and affection for the People of France.

My spouse of more than fifty years is the daughter of a lady of France.

We have lived in Grasse and enjoyed numerous visits to every part of this noble nation.

My Father was born in Nice at the Hotel Negresco. He lived with his parents in the Loire until a teenager. He later lived in Paris and Senlis.

I was honored to receive the Legion of Honor from President Mitterrand when I served as Chief of Protocol of the White House under President Bush Senior. As Chief of Protocol I organized more visits between President Bush and President Mitterrand than Mr. Bush had with any other Head of State.

In my youth I had the privilege of having a Governess from France.

Soon after the close of World War Two I had the pleasure of being with a French Family for a Summer near the City of Tours. That started my love affair with ''La Belle France''.

It was France that turned the American quest for Independence into a reality.

France's legendary culture has spread her elegant language (the language of Diplomacy) across the globe with 73 French speaking nations forming the Francophonie.

France shapes global tastes.

Everyone's second country is France.

I have worked at the United Nations for thirty years. France is a powerhouse at the Parliament of Man being a Permanent Member of the Security Council.

France is at the peak of success with her Couture, Painting, Music, Film, Drama, Cuisine, Wines from Bordeaux and Burgundy, Champagne (who wouldn't love a country with 640 types of cheese?).

My mind turns to -

The City of Lights, the Statue of Liberty, La Cote D'Azur, Versailles, the Tricolor, Normandy and the bluffs of the beaches of Utah and Omaha, Talleyrand, Le Musee D'Orsay, Napoleon, La Marseilles, Chartres, The Chateaux of the Valley of the Loire, President Wilson, General De Gaulle, General Eisenhower, Françoise Mitterrand.

President Wildenstein and friends, thank you, thank you, thank you for bestowing on me this great honor. I am touched, humbled and proud.

Encore, Bon Soir

Bon Thanksgiving and Dieu Vous Benisse.

ADDITIONAL STATEMENTS

CONGRATULATING RENO TUUFULI AND ASHLIE BLAKE

● Mr. HELLER. Mr. President, I rise today to recognize two exceptionally talented young people from my home State of Nevada, Ashlie Blake and Reno Tuufuli. These two young athletes were selected to represent the United States as members of the U.S.A. Track and Field World Youth Team, and competed in the International Association of Athletics Federations—IAAF, World Youth Championships in Donetsk, Ukraine. These dedicated and hardworking young Nevadans competed with great skill against the best young athletes in the world, and they represented their State and their Nation admirably at the competition.

Ashlie Blake and Reno Tuufuli helped lead Team USA to its best showing at the World Youth Championships. The team took home 17 medals over the course of the competition, more than any other country. Ashlie placed third out of 55 athletes from around the world, winning the U.S.A.'s first medal of the competition for her performance in the women's shot put event. Reno surpassed his personal best record in the men's discus throw and placed seventh out of 30 international athletes in the men's discus competition.

There is no doubt that both of these outstanding performances were the result of many hours of hard work and dedicated training, and Ashlie and Reno should be proud of their efforts and achievements. I congratulate Ashlie Blake and Reno Tuufuli on their success, and I wish them all the best as they continue their athletic endeavors.●

REMEMBERING GORDON BELCOURT

● Mr. TESTER. Madam President, today I wish to honor the life and legacy of Gordon Belcourt, the executive director of the Montana-Wyoming Tribal Leaders Council. Gordon passed away on July 15 in Billings, MT.

Gordon was a tremendous leader and advocate for Indian Country. A trusted and experienced voice, Gordon could always be counted on to use common sense to get to the heart of the issue and find a solution. He leaves big shoes to fill, and he will be missed by all Montanans. Sharla's and my heart goes out to all of Gordon's friends and family who are mourning his loss.

Gordon grew up on the Blackfeet Indian Reservation and graduated from Browning High School. He attended the University of Santa Clara in California, where he participated in the ROTC Program, before becoming a second lieutenant in the U.S. Army. He earned a master's degree in public health from the University of California at Berkeley and returned to the Big Sky State to attend law school at the University of Montana. He also served as president of the Blackfeet Community College. Gordon, who was honored by the State of California and the University of California Berkeley as a Public Health Hero, received an honorary doctorate from the University of Montana for his work to improve Native American health.

Gordon built the Montana-Wyoming Tribal Leaders Council from the ground up, serving as executive director beginning in 1998. He gave the council a powerful voice—both throughout the region and across the Nation. He worked tirelessly to improve life in Indian Country through infrastructure projects, the permanent reauthorization of the Indian Healthcare Improvement Act, and the creation of the Tribal Law and Order Act. He also created the regional Tribal Institutional Review Board for the protection of the rights of Native Americans.

Gordon was a courageous leader on issues of alcoholism and suicide in Indian Country. Due to Gordon's leadership, the Tribal Leaders Council received $5 million in 2009 to combat alcohol abuse among American Indians. His extensive knowledge of the issues facing the community and his commitment to doing what was right made him an outstanding advocate for Native Americans.

As we bid farewell to Gordon, we recognize that he was a true warrior for Indian Country. His given Blackfeet name, Mixed Iron Boy, was in remembrance of the combat his uncle endured in World War II, and it will serve as a reminder to all of us of Gordon's remarkable strength, unwavering courage, enduring compassion, boundless vitality, and lasting legacy.

Our thoughts and prayers are with Gordon's widow, Cheryl, and all of his family and many friends.●

ROSHOLT, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Rosholt, SD. Founded in 1913, Rosholt will celebrate its 100th anniversary this year.

Located in Roberts County, Rosholt possesses a strong sense of community that makes South Dakota an outstanding place to live and work. Julius Rosholt presented the plan of the town site next to the proposed railroad. The town of Rosholt was built and born on the economy of agriculture beginning with the first lots sold on August 11, 1913. Rosholt has continued to be a strong reflection of South Dakota's greatest values and traditions. The community of Rosholt has much to be proud of and I am confident that Rosholt's success will continue well into the future.

Rosholt will commemorate the centennial anniversary of its founding with celebrations held from August 13–18 featuring a centennial play, fireworks, 3K run, alumni reunion, and a kiddie parade. I would like to offer my congratulations to the citizens of Rosholt on this milestone anniversary and wish them continued prosperity in the years to come.●

NEW EFFINGTON, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize New Effington, SD. Founded in 1913, New Effington will celebrate its 100th anniversary this year.

Located in Roberts County, New Effington possesses a strong sense of community that makes South Dakota an outstanding place to live and work. New Effington was named after Effie

Staffer Pratt, who was one of the women who secured the homestead. New Effington has continued to be a strong reflection of South Dakota's greatest values and traditions. The community of New Effington has much to be proud of and I am confident that New Effington's success will continue well into the future.

New Effington commemorated the centennial anniversary of its founding with celebrations held from July 5 through July 7 which featured events such as an Alumni Day, Centennial 5K run, parade, and fireworks display. I would like to offer my congratulations to the citizens of New Effington on this milestone anniversary and wish them continued prosperity in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 messages received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1315. A bill to prohibit the Secretary of the Treasury from enforcing the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010.

S. 1316. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

H.R. 1911. To amend the Higher Education Act of 1965 to establish interest rates for new loans made on or after July 1, 2013, to direct the Secretary of Education to convene the Advisory Committee on Improving Postsecondary Education Data to conduct a study on improvements to postsecondary education transparency at the Federal level, and for other purposes.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

S. 1334. A bill to establish student loan interest rates, and for other purposes.

S. 1335. A bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

S. 1336. A bill to amend the National Voter Registration Act of 1993 to permit States to require proof of citizenship for registration to vote in elections for Federal office.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2303. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the semi-annual reports of the Attorney General relative to enforcement actions taken by the Department of Justice under the Lobbying Disclosure Act for the periods beginning on January 1, 2011, and July 1, 2011; to the Committee on the Judiciary.

EC–2304. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Additions to the List of Validated End-Users in the People's Republic of China: Samsung China Semiconductor Co. Ltd. and Advance Micro-Fabrication Equipment, Inc., China'' (RIN0694–AF93) received during adjournment of the Senate in the Office of the President of the Senate on July 12, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2305. A communication from the Deputy Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Eliminating the Prohibition Against General Solicitation and General Advertising in Rule 506 and Rule 144A Offerings'' (RIN3235–AL34) received in the Office of the President of the Senate on July 11, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2306. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Retail Foreign Exchange Transactions'' (RIN3235–AL19) received in the Office of the President of the Senate on July 17, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2307. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Rescission of Supervised Investment Bank Holding Company Rules'' (RIN3235–AL35) received in the Office of the President of the Senate on July 17, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2308. A communication from the Director of Legislative Affairs, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Definition of 'Predominantly Engaged in Activities That Are Financial in Nature or Incidental Thereto''' (RIN3064–AD73) received in the Office of the President of the Senate on July 15, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2309. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting, pursuant to law, the Bank's 2012 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2310. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to the obligation and expenditure of funds for the implementation of Cooperative Threat Reduction activities (DCN OSS–2013–1046); to the Committee on Armed Services.

EC–2311. A communication from the Acting Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for Residential Clothes Dryers and Room Air Conditioners'' (RIN1904–AC98) received in the Office of the President of the Senate on July 16, 2013; to the Committee on Energy and Natural Resources.

EC–2312. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Wyoming Regulatory Program'' (Docket No. WY–043–FOR) received in the Office of the President of the Senate on July 16, 2013; to the Committee on Energy and Natural Resources.

EC–2313. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Proposed Section 274b Agreements with States'' (Management Directive 5.8) received in the Office of the President of the Senate on July 17, 2013; to the Committee on Environment and Public Works.

EC–2314. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''State of Kansas; Authorization of State Hazardous Waste Management Program'' (FRL No. 9833–7) received during adjournment of the Senate in the Office of the President of the Senate on July 12, 2013; to the Committee on Environment and Public Works.

EC–2315. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment for the Sacramento Nonattainment Area for the 2006 Fine Particle Standard; California; Determination Regarding Applicability of Clean Air Act Requirements'' (FRL No. 9833–2) received during adjournment of the Senate in the Office of the President of the Senate on July 12, 2013; to the Committee on Environment and Public Works.

EC–2316. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New York State Ozone Implementation Plan Revision'' (FRL No. 9830–7) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC–2317. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuels and Fuel Additives: Additional Qualifying Renewable Fuel Pathways under the Renewable Fuel Standard Program; Final Rule Approving Renewable Fuel Pathways for Giant Reed (Arundo Donax) and Napier Grass (Pennisetum Purpureum)'' (FRL No. 9822–7) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC–2318. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Second Ten-Year PM10 Maintenance Plan for Canon City'' (FRL No. 9832–1) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC–2319. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Approval of 'Infrastructure' SIP with respect to Source Impact Analysis Provisions for the 2006 24-Hour PM2.5 NAAQS'' (FRL No. 9832–4) received in the Office of the President of the

Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC–2320. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of the Indianapolis Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter'' (FRL No. 9832–3) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC–2321. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans for North Carolina: Partial Withdrawal'' (FRL No. 9831–6) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC–2322. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans for Georgia: Partial Withdrawal'' (FRL No. 9831–5) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC–2323. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Interstate Transport of Fine Particulate Matter'' (FRL No. 9831–1) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC–2324. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''National Coverage Determinations for Fiscal Year 2012''; to the Committee on Finance.

EC–2325. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid and Children's Health Insurance Programs: Essential Health Benefits in Alternative Benefit Plans, Eligibility Notices, Fair Hearing and Appeal Processes, and Premiums and Cost Sharing; Exchanges: Eligibility and Enrollments'' (RIN0938–AR04) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Finance.

EC–2326. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a notification that a report relative to the Palestinian Authority with respect to the Foreign Assistance Act of 1961 is not required; to the Committee on Foreign Relations.

EC–2327. A communication from the Executive Director, U. S. Agency for International Development (USAID), transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Administrator, U.S. Agency for International Development (USAID), received in the Office of the President of the Senate on July 9, 2013; to the Committee on Foreign Relations.

EC–2328. Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the obligation and expenditure of funds for the implementation of the Department of Defense Cooperative Threat Reduction activities; to the Committee on Foreign Relations.

EC–2329. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–106); to the Committee on Foreign Relations.

EC–2330. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–094); to the Committee on Foreign Relations.

EC–2331. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2013–0119—2013–0126); to the Committee on Foreign Relations.

EC–2332. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's fiscal year 2012 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–2333. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Use of Meeting Rooms and Public Spaces'' (RIN3095–AB77) received during adjournment of the Senate in the Office of the President of the Senate on July 12, 2012; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. LANDRIEU, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2217. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2014, and for other purposes (Rept. No. 113–77).

By Ms. MIKULSKI, from the Committee on Appropriations, without amendment:

S. 1329. An original bill making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2014, and for other purposes (Rept. No. 113–78).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. JOHNSON, of South Dakota, for the Committee on Banking, Housing, and Urban Affairs.

*Melvin L. Watt, of North Carolina, to be Director of the Federal Housing Finance Agency for a term of five years.

*Richard T. Metsger, of Oregon, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2017.

*Jason Furman, of New York, to be a Member and Chairman of the Council of Economic Advisers.

*Mary Jo White, of New York, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2019.

*Kara Marlene Stein, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2017.

*Michael Sean Piwowar, of Virginia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2018.

By Mr. LEAHY for the Committee on the Judiciary.

Todd M. Hughes, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit.

Colin Stirling Bruce, of Illinois, to be United States District Judge for the Central District of Illinois.

Sara Lee Ellis, of Illinois, to be United States District Judge for the Northern District of Illinois.

Andrea R. Wood, of Illinois, to be United States District Judge for the Northern District of Illinois.

Madeline Hughes Haikala, of Alabama, to be United States District Judge for the Northern District of Alabama.

James B. Comey, Jr., of Connecticut, to be Director of the Federal Bureau of Investigation for a term of ten years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. SCHUMER (for himself and Mr. GRASSLEY):

S. 1318. A bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, and for other purposes; to the Committee on Finance.

By Mr. BLUNT (for himself, Mr. HOEVEN, Mr. KIRK, Mr. COATS, Mr. PORTMAN, and Mr. MCCAIN):

S. 1319. A bill to require the Administrator of the Environmental Protection Agency and the Secretary of Energy to conduct a fuel system requirements harmonization study, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DONNELLY (for himself, Mr. LEAHY, and Mr. CRUZ):

S. 1320. A bill to establish a tiered hiring preference for members of the reserve components of the armed forces; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Ms. AYOTTE):

S. 1321. A bill to amend title 31, United States Code, to provide that the President's annual budget submission to Congress list the current fiscal year spending level for each proposed program and a separate amount for any proposed spending increases, and for other purposes; to the Committee on the Budget.

By Ms. KLOBUCHAR (for herself, Mr. GRAHAM, and Mrs. FEINSTEIN):

S. 1322. A bill to amend the Controlled Substances Act relating to controlled substance analogues; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Ms. KLOBUCHAR, Mr. MANCHIN, and Mr. SCHUMER):

S. 1323. A bill to address the continued threat posed by dangerous synthetic drugs

by amending the Controlled Substances Act relating to controlled substance analogues; to the Committee on the Judiciary.

By Mr. BARRASSO (for himself, Mr. ENZI, Mr. RUBIO, Mr. ALEXANDER, Mr. PAUL, Mr. BLUNT, Mrs. FISCHER, and Mr. CRAPO):

S. 1324. A bill to prohibit any regulations promulgated pursuant to a presidential memorandum relating to power sector carbon pollution standards from taking effect; to the Committee on Environment and Public Works.

By Mr. BEGICH (for himself and Ms. LANDRIEU):

S. 1325. A bill to amend the Internal Revenue Code of 1986 to modify the small employer health insurance credit, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mrs. BOXER, Mr. CORKER, and Mr. ALEXANDER):

S. 1326. A bill to amend the Internal Revenue Code of 1986 to extend and make permanent the rule providing 5-year amortization of expenses incurred in creating or acquiring music or music copyrights; to the Committee on Finance.

By Mr. BEGICH (for himself and Ms. LANDRIEU):

S. 1327. A bill to make enrollment in health benefits plans under the Federal Employee Health Benefits Program available to employees of qualified employers when fewer than 2 qualified health plans are offered through the Small Business Health Options Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KIRK (for himself and Mr. DURBIN):

S. 1328. A bill to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI:

S. 1329. An original bill making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2014, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BEGICH:

S. 1330. A bill to delay the implementation of the employer responsibility provisions of the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. HATCH):

S. 1331. A bill to extend the Generalized System of Preferences, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself and Mr. SCHUMER):

S. 1332. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; to the Committee on Finance.

By Mr. BEGICH (for himself, Ms. LANDRIEU, Ms. HIRONO, Mr. CASEY, and Mr. NELSON):

S. 1333. A bill to reinstate funding for the Consumer Operated and Oriented Plan Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MANCHIN (for himself, Mr. BURR, Mr. KING, Mr. COBURN, Mr. CARPER, Mr. ALEXANDER, Mr. HARKIN, and Mr. DURBIN):

S. 1334. A bill to establish student loan interest rates, and for other purposes; placed on the calendar.

By Ms. MURKOWSKI:

S. 1335. A bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; placed on the calendar.

By Mr. CRUZ (for himself, Mr. VITTER, Mr. LEE, Mr. CORNYN, Mr. COBURN, Mr. COCHRAN, Mr. CRAPO, Mr. SESSIONS, Mr. JOHNSON of Wisconsin, and Mr. RISCH):

S. 1336. A bill to amend the National Voter Registration Act of 1993 to permit States to require proof of citizenship for registration to vote in elections for Federal office; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself and Mr. SCHUMER):

S. Res. 198. A resolution expressing the sense of the Senate that the Government of the Russian Federation should turn over Edward Snowden to United States authorities, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 40

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 40, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 232

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 232, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 313

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 395

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 395, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 398

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 398, a bill to establish the Commission to Study the Potential Creation of a National Women's History Museum, and for other purposes.

S. 399

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 399, a bill to protect American job creation by striking the Federal mandate on employers to offer health insurance.

S. 425

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 425, a bill to amend title XI of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing maternity care quality measures and supporting maternity care quality collaboratives.

S. 429

At the request of Mr. NELSON, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 429, a bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 462

At the request of Mrs. BOXER, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 577

At the request of Mr. NELSON, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 577, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes.

S. 603

At the request of Mr. BARRASSO, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 603, a bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

S. 709

At the request of Ms. STABENOW, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 709, a bill to amend title XVIII of the Social Security Act to increase diagnosis of Alzheimer's disease and related dementias, leading to better care and outcomes for Americans living with Alzheimer's disease and related dementias.

S. 731

At the request of Mr. MANCHIN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 731, a bill to require the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency to conduct an empirical impact study on proposed rules relating to the International Basel III agreement on general risk-based capital requirements, as they apply to community banks.

S. 734

At the request of Mr. NELSON, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 734, a bill to amend title 10, United States Code, to repeal the

requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 765

At the request of Mr. BENNET, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 765, a bill to help provide relief to State education budgets during a recovering economy, to help fulfill the Federal mandate to provide higher educational opportunities for Native American Indians, and for other purposes.

S. 878

At the request of Mr. FRANKEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 878, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 967

At the request of Mrs. GILLIBRAND, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 967, a bill to amend title 10, United States Code, to modify various authorities relating to procedures for courts-martial under the Uniform Code of Military Justice, and for other purposes.

S. 1028

At the request of Mr. SANDERS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1028, a bill to reauthorize and improve the Older Americans Act of 1965, and for other purposes.

S. 1046

At the request of Mr. SCHATZ, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1046, a bill to clarify certain provisions of the Native American Veterans' Memorial Establishment Act of 1994.

S. 1072

At the request of Ms. KLOBUCHAR, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1072, a bill to ensure that the Federal Aviation Administration advances the safety of small airplanes and the continued development of the general aviation industry, and for other purposes.

S. 1143

At the request of Mr. MORAN, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 1143, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 1152

At the request of Mr. REED, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1152, a bill to amend the Public Health Service Act to help build a stronger health care workforce.

S. 1158

At the request of Mr. WARNER, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Montana (Mr. TESTER) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1166

At the request of Mr. ISAKSON, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1166, a bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

S. 1271

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1271, a bill to direct the President to establish guidelines for the United States foreign assistance programs, and for other purposes.

S. 1274

At the request of Mrs. GILLIBRAND, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1274, a bill to extend assistance to certain private nonprofit facilities following a disaster, and for other purposes.

S. 1300

At the request of Mr. FLAKE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1300, a bill to amend the Healthy Forests Restoration Act of 2003 to provide for the conduct of stewardship end result contracting projects.

S. 1302

At the request of Mr. HARKIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1302, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

S. 1310

At the request of Mr. PORTMAN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1310, a bill to require Senate confirmation of Inspector General of the Bureau of Consumer Financial Protection, and for other purposes.

S. 1313

At the request of Mr. RUBIO, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1313, a bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes.

S. RES. 75

At the request of Mr. KIRK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Res. 75, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 197

At the request of Mr. MURPHY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. Res. 197, a resolution recommending the posthumous award of the Navy Cross to Lieutenant Thomas M. Conway of Waterbury, Connecticut.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Ms. KLOBUCHAR, Mr. MANCHIN, and Mr. SCHUMER):

S. 1323. A bill to address the continued threat posed by dangerous synthetic drugs by amending the Controlled Substances Act relating to controlled substance analogues; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Protecting Our Youth From Dangerous Synthetic Drugs Act of 2013 along with my colleagues and friends, Senators KLOBUCHAR, MANCHIN and SCHUMER. This bill will provide law enforcement and prosecutors with an important new tool to address the growing threat posed by dangerous, synthetic drugs.

Synthetic drugs are unregulated substances designed by scientists to mimic the effects of controlled substances. They are packaged in a manner which is intended to appeal to our Nation's youth and are sold at gas stations, head shops and over the Internet.

Manufacturers of these products boldly seek to circumvent Federal law by marketing their merchandise as innocuous items like potpourri, incense, bath salts and plant food and stating that they are ''not intended for human consumption.'' Make no mistake; the individuals who produce, distribute and sell these products are nothing more than drug traffickers who seek to profit from the human use of these drug products.

When Congress outlawed several of these synthetic drugs last year, traffickers did not stop producing them. Instead, they made slight alterations to the chemical structure of the illegal drugs to skirt the law. By doing this, the traffickers produced ''controlled substance analogues.''

The bill I am introducing today will give law enforcement the tools they need to prosecute individuals who produce and distribute controlled substance analogues.

Many of the controlled substance analogues on the market today are designed to mimic the effects of THC, the principal chemical in marijuana. The Monitoring the Future survey, which tracks the drug-using behaviors of adolescents, began studying the use of synthetic marijuana in in 2011. Their 2012 report found that 11.3 percent of 12th graders had used synthetic marijuana in the prior 12 months. Aside from alcohol and tobacco, synthetic marijuana was the second most widely used drug among 12th graders after marijuana.

There are many other ''families'' of controlled substance analogues which

have been encountered in the market place. They mimic the effects of drugs like ecstasy, PCP and LSD and therefore produce strong stimulant and/or hallucinogenic effects when ingested.

Altogether, there are an estimated 200 controlled substance analogues available today. The threat is global and is rapidly expanding.

Fortunately, the Obama Administration has made progress combatting this threat. Two nationwide operations targeting designer synthetic drugs—one in 2012 dubbed Operation LogJam and the other which culminated approximately two weeks ago named Operation Synergy—demonstrate this progress. These operations resulted in at least 318 arrests; 681 executed search warrants, including at least 29 for drug manufacturing facilities; $93 million in cash and assets seized; and the removal of 10 tons of synthetic drugs from the supply chain.

Today, I am introducing a bill that will put these drug traffickers on notice that if they seek to develop products containing controlled substance analogues that put our nation's youth in harm's way, then they will be brought to justice. This will be accomplished by creating a new tool by which the administration can designate, and publish, an administrative list of outlawed controlled substance analogues.

First, the Protecting Our Youth from Dangerous Synthetic Drugs Act of 2013 will establish an inter-agency committee of scientists, headed by the Drug Enforcement Administration, DEA, which will be responsible for establishing and maintaining an administrative list of controlled substance analogues. The Committee is structured so that it can respond quickly and robustly to the threat.

Second, DEA officials have informed my staff that virtually all of these controlled substance analogues arrive as bulk powders from outside our borders. My bill will make it illegal to import a controlled substance analogue on the list unless the importation is intended for non-human use.

Third, the bill directs the U.S. Sentencing Commission to review, and if appropriate, amend the federal sentencing guidelines for violations of the Controlled Substances Act pertaining to controlled substance analogues.

Finally, it is important to note that controlled substance analogues are not controlled substances, meaning that the registration, reporting and recordkeeping requirements of the Controlled Substances Act do not apply to those who seek to perform bona fide scientific research or use a controlled substance analogue for non-human industrial applications.

This bill sends a strong message to drug traffickers who continue to circumvent our Nation's laws. Congress recognizes that no matter how you alter the chemical structure of synthetic drugs to get around the law, they remain dangerous and should not be available for human consumption.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Our Youth from Dangerous Synthetic Drugs Act of 2013''.

SEC. 2. ENFORCEMENT.

(a) IN GENERAL.—The Controlled Substances Act (21 U.S.C. 801 et seq) is amended—

(1) in section 102(32), by striking subparagraph (A) and inserting the following:

''(A) Except as provided in subparagraph (C), the term 'controlled substance analogue' means—

''(i) a substance whose chemical structure is substantially similar to the chemical structure of a controlled substance in schedule I or II—

''(I) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or

''(II) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or

''(ii) a substance designated as a controlled substance analogue by the Controlled Substance Analogue Committee in accordance with section 201(i).''; and

(2) in section 201, by adding at the end the following:

''(i)(1) The Attorney General, in consultation with the Secretary of Health and Human Services, shall establish an inter-agency committee, to be known as the Controlled Substance Analogue Committee (referred to in this subsection as the 'Committee').

''(2) The Committee shall be—

''(A) headed by the Administrator of the Drug Enforcement Administration; and

''(B) comprised of scientific experts in the fields of chemistry and pharmacology from—

''(i) the Drug Enforcement Administration;

''(ii) the National Institute on Drug Abuse;

''(iii) the Centers for Disease Control and Prevention; and

''(iv) any other Federal agency determined by the Attorney General, in consultation with the Secretary of Health and Human Services, to be appropriate.

''(3)(A) The Committee shall convene, on an as needed basis, to establish and maintain a list of controlled substance analogues.

''(B) A substance may be designated as a controlled substance analogue by the Committee under this subsection if the substance is determined by the Committee to be similar to a Schedule I or II controlled substance in either its chemical structure or its predictive effect on the body, in such a manner as to make it likely that the substance will, or can be reasonably expected to have a potential for abuse.

''(C) Evidence of human consumption by an individual or the public at large is not necessary before a substance may be designated as a controlled substance analogue under this subsection.

''(D) The Attorney General shall, through rulemaking, establish procedures of operation for the Committee.

''(4)(A) Not later than 30 days before each meeting of the Committee, the Attorney General shall submit to the Secretary of Health and Human Services a notice of the meeting of the Committee, which shall include—

''(i) a list of the substances to be considered by the Committee during the meeting for designation as a controlled substance analogue; and

''(ii) a request for the Secretary of Health and Human Services to make a determination of whether an exemption or approval for each substance listed under clause (i) is in effect under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355).

''(B) Not later than 30 days after the date on which the Secretary of Health and Human Services receives notice under subparagraph (A), the Secretary shall submit to the Attorney General a written response to the request described under subparagraph (A)(ii). The Committee shall consider the response submitted by the Secretary of Health and Human Services in determining whether to designate a substance considered by the Committee at the meeting as a controlled substance analogue.

''(5)(A) The Attorney General shall publish in the Federal Register any designation made by the Committee under this subsection.

''(B) The Administrator of the Drug Enforcement Administration shall publish, on the website of the Drug Enforcement Administration, a description of each designation made by the Committee under this subsection, which shall include—

''(i) the chemical and common name of the controlled substance analogue;

''(ii) the effective date of the determination, as described in paragraph (6)(A); and

''(iii) any Schedule I or II controlled substance that the Committee has determined a substance is an analogue of.

''(6) A designation made by the Committee under this subsection shall take effect on the date that is 30 days after the date on which the designation is published in the Federal Register under paragraph (5)(A).

''(7) If a substance designated as a controlled substance analogue by the Committee under this section is subsequently scheduled through a rulemaking proceeding under subsection (a), (d), or (h), the substance shall be automatically removed from the controlled substance analogue list.

''(8) If a defendant challenges the designation of a controlled substance analogue made by the Committee under this subsection the issue shall be considered a question of law.''.

(b) FUNDING.—Section 111(b)(2)(B) of Public Law 102–395 (21 U.S.C. 886a(2)(B)) is amended by inserting ''controlled substance analogues,'' after ''substances,''.

SEC. 3. IMPORTATION OF CONTROLLED SUBSTANCE ANALOGUES.

Section 1002 of the Controlled Substances Import and Export Act (21 U.S.C. 952) is amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (b) the following:

''(c) It shall be unlawful to import into the customs territory of the United States from any place outside thereof (but within the United States), or to import into the United States from any place outside thereof, any controlled substance analogue designated pursuant to section 201(i) of the Controlled Substances Act (21 U.S.C. 811(i)) unless the controlled substance analogue is imported pursuant to such notification or declaration

as the Attorney General may by regulation prescribe.''.

SEC. 4. DIRECTIVE TO SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements to ensure the guidelines and policy statements provide adequate penalties for any offense involving the unlawful manufacturing, importing, exporting, or trafficking of controlled substance analogues under part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) or part A of the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) and similar offenses, including unlawful possession, possession with intent to commit any of the foregoing offenses, and attempt and conspiracy to commit any of the foregoing offenses.

(b) COMMISSION DUTIES.—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentences, guidelines, and policy statements relating to offenders convicted of these offenses are appropriately severe and reasonably consistent with other relevant directives and other Federal sentencing guidelines and policy statements;

(2) make any necessary conforming changes to the Federal sentencing guidelines; and

(3) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

By Mr. KIRK (for himself and Mr. DURBIN):

S. 1328. A bill to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KIRK. Mr. President, I am pleased to join with Senator DURBIN to introduce a bill in support of New Philadelphia, the first town founded by a freed African-American. This bipartisan legislation directs the Secretary of the Interior to conduct a special resource study of New Philadelphia to determine the feasibility of designating the area as a unit of the National Park System.

In 1836, Frank McWorter platted and officially registered the town of New Philadelphia, the first known town founded by a freed African-American before the Civil War. After saving money from neighboring labor jobs to purchase his own freedom and the freedom of fifteen additional family members, Mr. McWorter purchased a plot of land between the Illinois and Mississippi Rivers in Pike County to establish New Philadelphia. The town became a station along the Underground Railroad and was a community where European-American, freeborn African-Americans and formerly enslaved individuals were able to live together during a time of intense racial strife.

In 2005, the town of New Philadelphia was designated as a National Historic Place and in 2009 the town was designated a National Historic Landmark. Further designating New Philadelphia as a unit of the National Park System will ensure that its historical legacy is preserved as an inspiring example of freedom and opportunity for future generations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''New Philadelphia, Illinois, Study Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Frank McWorter, an enslaved man, bought his freedom and the freedom of 15 family members by mining for crude niter in Kentucky caves and processing the mined material into saltpeter;

(2) New Philadelphia, founded in 1836 by Frank McWorter, was the first town planned and legally registered by a free African-American before the Civil War;

(3) the first railroad constructed in the area of New Philadelphia bypassed New Philadelphia, which led to the decline of New Philadelphia; and

(4) the New Philadelphia site—

(A) is a registered National Historic Landmark;

(B) is covered by farmland; and

(C) does not contain any original buildings of the town or the McWorter farm and home that are visible above ground.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''Study Area'' means the New Philadelphia archeological site and the surrounding land in the State of Illinois.

SEC. 4. SPECIAL RESOURCE STUDY.

(a) STUDY.—The Secretary shall conduct a special resource study of the Study Area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Study Area;

(2) determine the suitability and feasibility of designating the Study Area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the Study Area by—

(A) Federal, State, or local governmental entities; or

(B) private and nonprofit organizations;

(4) consult with—

(A) interested Federal, State, or local governmental entities;

(B) private and nonprofit organizations; or

(C) any other interested individuals; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under paragraph (3).

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

(e) FUNDING.—The study authorized under this section shall be carried out using existing funds of the National Park Service

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By Ms. COLLINS (for herself and Mr. SCHUMER):

S. 1332. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; to the Committee on Finance

Ms. COLLINS. Mr. President, I rise today on behalf of myself and Senator SCHUMER to introduce legislation to ensure that our seniors and disabled citizens have timely access to home health services under the Medicare program.

Nurse practitioners, physician assistants, certified nurse midwives and clinical nurse specialists are all playing increasingly important roles in the delivery of health care services, particularly in rural and medically underserved areas of our country where physicians may be in scarce supply. In recognition of their growing role, Congress, in 1997, authorized Medicare to begin paying for physician services provided by these health professionals as long as those services are within their scope of practice under state law.

Despite their expanded role, these advanced practice registered nurses and physician assistants are currently unable to order home health services for their Medicare patients. Under current law, only physicians are allowed to certify or initiate home health care for Medicare patients, even though they may not be as familiar with the patient's case as the non-physician provider. In fact, in many cases, the certifying physician may not even have a relationship with the patient and must rely upon the input of the nurse practitioner, physician assistant, clinical nurse specialist or certified nurse midwife to order the medically necessary home health care. At best, this requirement adds more paperwork and a number of unnecessary steps to the process before home health care can be provided. At worst, it can lead to needless delays in getting Medicare patients the home health care they need simply because a physician is not readily available to sign the form.

The inability of advanced practice registered nurses and physician assistants to order home health care is particularly burdensome for Medicare beneficiaries in medically underserved areas, where these providers may be the only health care professionals available. For example, needed home health care was delayed by more than a week for a Medicare patient in Nevada because the physician assistant was the only health care professional serving the patient's small town, and the supervising physician was located 60 miles away.

A nurse practitioner told me about another case in which her collaborating physician had just lost her father and was not available. As a consequence, the patient experienced a two-day delay in getting needed care while they waited to get the paperwork signed by another physician. Another nurse practitioner pointed out that it is ridiculous that she can order physical and occupational therapy in a subacute facility but cannot order home health care. One of her patients had to wait eleven days after being discharged before his physical and occupational therapy could continue simply because the home health agency had difficulty finding a physician to certify the continuation of the same therapy that the nurse practitioner had been able to authorize when the patient was in the facility.

The Home Health Care planning Improvement Act will help to ensure that our Medicare beneficiaries get the home health care that they need when they need it by allowing physician assistants, nurse practitioners, clinical nurse specialists and certified nurse midwives to order home health services. Our legislation is supported by the National Association for Home Care and Hospice, the American Nurses Association, the American Academy of Physician Assistants, the American College of Nurse Practitioners, the American College of Nurse Midwives, the American Academy of Nurse Practitioners and the Visiting Nurse Associations of America. I urge all of my colleagues to join us as cosponsors of this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 198—EXPRESSING THE SENSE OF THE SENATE THAT THE GOVERNMENT OF THE RUSSIAN FEDERATION SHOULD TURN OVER EDWARD SNOWDEN TO UNITED STATES AUTHORITIES, AND FOR OTHER PURPOSES

Mr. GRAHAM (for himself and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 198

Whereas Edward Snowden leaked classified information to various sources including the Guardian and the Washington Post;

Whereas Mr. Snowden fled the United States to Hong Kong on May 20, 2013, with multiple laptops containing highly classified information;

Whereas, on June 5, 2013, the press reported classified information relating to the national security of the United States;

Whereas Mr. Snowden's actions have compromised the national security of the United States;

Whereas, on June 9, 2013, Mr. Snowden publicly stated, ''I have no intention of hiding who I am because I know I have done nothing wrong.'';

Whereas, on June 23, 2013, Mr. Snowden departed Hong Kong en route to Moscow, Russia;

Whereas Mr. Snowden has been staying on Russian territory in the Sheremetyevo Airport since his arrival;

Whereas the Sheremetyevo Airport is part of the sovereign territory of the Russian Federation;

Whereas, on June 14, 2013, the United States Government filed a criminal complaint against Edward Snowden for charges under section 641 (relating to theft of Government property), section 793(d) (relating to unauthorized communication of national defense information), and section 798(a)(3) (relating to the willful communication of classified communications intelligence information to an unauthorized person) of title 18, United States Code.

Whereas Mr. Snowden has stated his intentions to continue to leak classified information and poses a continuing threat to the security of the United States;

Whereas Mr. Snowden has applied for asylum in at least 21 countries, including a number of countries with some of the worst human rights records, including the Russian Federation, Cuba, Venezuela, Nicaragua, Bolivia, and Ecuador;

Whereas, on July 16, 2013, Mr. Snowden applied for temporary asylum in the Russian Federation in order to facilitate his transit to Latin America;

Whereas the Department of State Human Rights Report for 2012 cites the Russian Federation's restrictions on civil liberties and the denial of due process, allegations of torture and excessive force by law enforcement officials; life-threatening prison conditions; interference in the judiciary and the right to a fair trial; abridgement of the right to privacy; restrictions on minority religions; widespread corruption; societal and official intimidation of civil society and labor activists; limitations on the rights of workers; trafficking in persons; and attacks on migrants and select religious and ethnic minorities;

Whereas, on July 6, 2013, President of Venezuela Nicolas Maduro offered asylum to Snowden, stating, ''In the name of America's dignity. . . I have decided to offer humanitarian asylum to Edward Snowden.'';

Whereas the Department of State Human Rights Report for 2012 cites the Government of Venezuela for corruption, inefficiency, and politicization in the judicial system; government actions to impede freedom of expression; harsh and life-threatening prison conditions; government use of the judiciary to intimidate and selectively prosecute political, union, business, and civil society leaders who were critical of government policies or actions; government harassment and intimidation of privately-owned television stations, other media outlets, and journalists throughout the year, using threats, fines, property seizures, targeted regulations, and criminal investigations and prosecutions; and failure to provide for due process rights, physical safety, and humane conditions for inmates, which contributed to widespread violence, riots, injuries, and deaths in prisons;

Whereas, on June 25, 2013, President of Russia Vladmir Putin stated that the Russian Federation would never extradite Edward Snowden to the United States;

Whereas, on July 16, 2013, White House spokesman Jay Carney stated that Mr. Snowden should be expelled from the Russian Federation and returned to the United States to face trial, stating, ''He is not a human rights activist, he is not a dissident. He is accused of leaking classified information.''; and

Whereas, on July 16, 2013, President Putin stated that Mr. Snowden ''came to our territory without invitation, we did not invite him'' and that ''[we] have certain relations with the United States and we don't want [Snowden] to damage our ties'': Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government of the Russian Federation's continued willingness to provide shelter to Edward Snowden is negatively impacting bilateral relations with the United States;

(2) the Government of the Russian Federation should immediately turn Edward Snowden over to the appropriate United States authorities so he can stand trial in the United States;

(3) the President should consider options, including recommending a different location for the September 2013 G20 summit in St. Petersburg, Russia, should the Russian Federation continue to allow shelter for Mr. Snowden; and

(4) the United States Government should consider all economic and diplomatic options when pursuing Mr. Snowden.

NOTICE OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, July 23, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled ''Hearing on National Labor Relations Board Nominees.''

For further information regarding this meeting, please contact Sarah Cupp of the committee staff on (202) 224–5441.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, July 24, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to mark-up the nominations of Kent Yoshiho Hirozawa, to be a Member of the National Labor Relations Board and Nancy Jean Schiffer, to be a Member of the National Labor Relations Board, as well as any additional nominations cleared for action.

For further information regarding this meeting, please contact the Committee at (202) 224–5375.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Subcommittee on Public Lands, Forests, and Mining. The hearing will be held on Tuesday, July 30, 2013, at 10:00 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 37, to sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, and for other purposes;

S. 343, to provide for the conveyance of certain Federal land in Clark County, Nevada,

for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes;

S. 364, to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, and for other purposes;

S. 404, to preserve the Green Mountain Lookout in the Glacier Peak Wilderness of the Mount Baker-Snoqualmie National Forest;

S. 753, to provide for national security benefits for White Sands Missile Range and Fort Bliss;

S. 1169, to withdraw and reserve certain public land in the State of Montana for the Limestone Hills Training Area, and for other purposes;

S. 1294, to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee, and for other purposes;

S. 1300, to amend the Healthy Forests Restoration Act of 2003 to provide for the conduct of stewardship end result contracting projects;

S. 1301, to provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon;

S. 1309, to withdraw and reserve certain public land under the jurisdiction of the Secretary of the Interior for military uses, and for other purposes;

H.R. 507, to provide for the conveyance of certain land inholdings owned by the United States to the Pascua Yaqui Tribe of Arizona, and for other purposes;

H.R. 862, to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960;

H.R. 876, to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes, and;

H.R. 993 and S. 507, to provide for the conveyance of certain parcels of National Forest System land to the city of Fruit Heights, Utah.

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 it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to John__Assini@energy.senate.gov.

For further information, please contact please contact David Brooks (202) 224–9863, or John Assini (202) 224–9313.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks. The hearing will be held on Wednesday, July 31, 2013, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 398, to establish the Commission to Study the Potential Creation of a National Women's History Museum, and for other purposes;

S. 524, to amend the National Trails System Act to provide for the study of the Pike National Historic Trail;

S. 618, to require the Secretary of the Interior to conduct certain special resource studies;

S. 702, to designate the Quinebaug and Shetucket Rivers Valley National Heritage Corridor as ''The Last Green Valley National Heritage Corridor'';

S. 781, to modify the boundary of Yosemite National Park, and for other purposes;

S. 782, to amend Public Law 101–377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes;

S. 869, to establish the Alabama Black Belt National Heritage Area, and for other purposes;

S. 925, to improve the Lower East Side Tenement National Historic Site, and for other purposes;

S. 995, to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia, and for other purposes;

S. 974, to provide for certain land conveyances in the State of Nevada, and for other purposes;

S. 1044, to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on D-Day, June 6, 1944;

S. 1071, to authorize the Secretary of the Interior to make improvements to support facilities for National Historic Sites operated by the National Park Service, and for other purposes;

S. 1138, to reauthorize the Hudson River Valley National Heritage Area;

S. 1151, to reauthorize the America's Agricultural Heritage Partnership in the State of Iowa;

S. 1157, to reauthorize the Rivers of Steel National Heritage Area, the Lackawanna Valley National Heritage Area, the Delaware and Lehigh National Heritage Corridor, and the Schuylkill River Valley National Heritage Area;

S. 1168, to reauthorize the Essex National Heritage Area;

S. 1252, to amend the Wild and Scenic Rivers Act to designate segments of the Missisquoi River and the Trout River in the State of Vermont, as components of the National Wild and Scenic Rivers System;

S. 1253, to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes;

H.R. 674, to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System;

H.R. 885, to expand the boundary of the San Antonio Missions National Historical Park, and for other purposes;

H.R. 1033 and S. 916, to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program, and

H.R. 1158, to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

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 it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to John_Assini@energy.senate.gov.

For further information, please contact please contact David Brooks (202) 224–9863 or John Assini (202) 224–9313.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 30, 2013, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on S. 1240, the Nuclear Waste Administration Act of 2013.

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 may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Lauren_Goldschmidt@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571, Dave Berick at (202) 224–2209, or Lauren Goldschmidt at (202) 224–5488.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 18, 2013, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 18, 2013, at 10:30 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 18, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Environment and Public

Works be authorized to meet during the session of the Senate on July 18, 2013, at 10 a.m., in room SD–406 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Climate Change: It's Happening Now.''

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

COMMITTEE ON FINANCE

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 18, 2013, at 2:30 p.m., in room 215 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 18, 2013, at 9:30 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 18, 2013, at 2 p.m.

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

MEASURES PLACED ON THE CALENDAR—S. 1334, S. 1335, AND S. 1336

Mr. REID. Madam President, I ask unanimous consent that the following bills be considered read twice and placed on the calendar: S. 1334, S. 1335, and S. 1336.

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

ORDERS FOR FRIDAY, JULY 19, 2013 THROUGH TUESDAY, JULY 23, 2013

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12:15 on Friday, July 19, 2013, for a pro forma session only, with no business conducted; that following the pro forma session, the Senate adjourn until 10 a.m. on Tuesday, July 23, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; that following the remarks of the two leaders, the time until noon be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each; further, that the Senate recess from 12:30 until 2:15 to allow for the weekly caucus meetings.

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

PROGRAM

Mr. REID. Madam President, the next rollcall vote will be Tuesday at noon.

ADJOURNMENT UNTIL 12:15 P.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Friday, July 19, 2013, at 12:15 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

ADAM M. SCHEINMAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE SPECIAL REPRESENTATIVE OF THE PRESIDENT FOR NUCLEAR NONPROLIFERATION, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF DEFENSE

JESSICA GARFOLA WRIGHT, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, VICE ERIN C. CONATON, RESIGNED.

DEPARTMENT OF ENERGY

ELIZABETH M. ROBINSON, OF WASHINGTON, TO BE UNDER SECRETARY OF ENERGY, VICE KRISTINA M. JOHNSON, RESIGNED.

DEPARTMENT OF STATE

FRANK A. ROSE, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF STATE (VERIFICATION AND COMPLIANCE), VICE ROSE EILENE GOTTEMOELLER.

PEACE CORPS

CAROLYN HESSLER RADELET, OF VIRGINIA, TO BE DIRECTOR OF THE PEACE CORPS, VICE AARON S. WILLIAMS, RESIGNED.

DEPARTMENT OF STATE

NISHA DESAI BISWAL, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS, VICE ROBERT ORRIS BLAKE, JR.

TIMOTHY M. BROAS, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

DEPARTMENT OF LABOR

SCOTT S. DAHL, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF LABOR, VICE GORDON S. HEDDELL, RESIGNED.

DEPARTMENT OF STATE

JULIA FRIFIELD, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF STATE (LEGISLATIVE AFFAIRS), VICE DAVID S. ADAMS, RESIGNED.

LEGAL SERVICES CORPORATION

MARTHA L. MINOW, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2014. (REAPPOINTMENT)

JOSEPH PIUS PIETRZYK, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2014. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate July 18, 2013:

ENVIRONMENTAL PROTECTION AGENCY

REGINA MCCARTHY, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF LABOR

THOMAS EDWARD PEREZ, OF MARYLAND, TO BE SECRETARY OF LABOR.

EXTENSIONS OF REMARKS

HONORING THE LATE MAYOR JAMES D. GRIFFIN ON THE OCCASION OF THE RUN JIMMY RUN 5K RACE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. HIGGINS. Mr. Speaker, today I rise to remember the life and legacy of one of Buffalo's great leaders, our late Mayor James D. Griffin who served as the city's top civic leader from 1978 to 1993, on the occasion of the first race held in his honor, the Run Jimmy Run 5k.

Inspired by Mayor Griffin's tenacious spirit, dedication to the City of Buffalo, and commitment to good works and good causes, the Run Jimmy Run 5k kicks off at 10 am on July 21, 2013. The proceeds from the day's events will benefit the Alzheimer's Association of Western New York. Additionally, items will be donated to the City Mission and baseball tickets will be donated to the Special Olympics, organizations that were near and dear to Mayor Griffin's heart.

Beginning at One James D. Griffin Plaza, in front of the baseball stadium for which Mayor Griffin was the driving force behind building, the race course passes through the heart of downtown and along the waterfront. After the race's completion at home plate, there will be a post-race party and Bison's baseball game.

The Run Jimmy Run charity event was initiated by Mayor Griffin's children to honor the memory of their father and raise funds for an organization that they came to rely on in a very personal way. Mayor Griffin succumbed to a rare neurodegenerative disorder and many of the nurses who cared for him were trained by the Alzheimer's Association.

Alzheimer's is a tough disease that touches many of our lives. It's critically important that we continue to fight for increased funding for Alzheimer's research and I pledge to continue that fight in Washington. I wish to sincerely thank all those involved with the Run Jimmy Run 5k, especially Mayor Griffin's three children Maureen, Megan and Thomas, for their efforts in the fight against Alzheimer's.

Mr. Speaker, thank you for allowing me a few moments to remember the incredible legacy of our late Mayor James D. Griffin and the work he has inspired for the future of Buffalo. I can think of no better tribute to the man who brought professional baseball back to Buffalo then a run through downtown Buffalo, followed by a ballgame at ''The Field that Jimmy Built.'' I wish to extend all participants and organizers a successful run and fun-filled day with special thanks to Mayor Griffin's children, extended family and friends for honoring the life and legacy of the late, great Mayor James D. Griffin.

RECOGNIZING STAFF SERGEANT CLIFFORD M. WOOLDRIDGE AS THE 2013 MARINE CORPS TIMES MARINE OF THE YEAR

HON. DEREK KILMER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. KILMER. Mr. Speaker, I rise today to recognize Staff Sergeant Clifford M. Wooldridge, an ''Everyday Hero'' as the 2013 Marine of the Year. SSgt. Wooldridge was previously awarded the Navy Cross for heroism in Afghanistan. In 2012 he was awarded the USO Marine of the Year. SSgt. Wooldridge has continued to serve his country both professionally as a Marine and through volunteering. He was selected as the Marine Corps Times Marine of the Year for his volunteerism and bravery in combat.

The Marine Corps Times honors servicemembers, like SSgt. Wooldridge, who demonstrate pride, dedication, and courage beyond expectations. He is an instructor with the Marine Corps Security Force Regiment and teaches and mentors junior Marines. He teaches them technical skills they will need in close quarter combat and shares personal stories so they can learn from previous mistakes.

Professional duties aside, it is SSgt. Wooldridge's service to his community that has earned him this latest honor. He has spent countless hours assisting disabled and recovering veterans with the Wounded Warrior Project and served as an athlete sponsor and was the host Marine for the Special Olympics in Virginia Beach. He helped a terminally ill young man receive recognition as an honorary Marine. While all his volunteer activities are important to him, SSgt. Wooldridge has a special passion for the Honored American Veterans Afield, which helps combat veterans transition through hunting, fishing, and other outdoor activities.

SSgt. Wooldridge's outdoor skills were honed in his hometown of Port Angeles, in Washington State, the place where I, too, was born and raised. There he experienced the beautiful and plentiful natural resources found only on the Olympic Peninsula. Graduating from Port Angeles High School in 2006, SSgt. Wooldridge completed training as a diesel mechanic and left his home in the Pacific Northwest for a life as a Marine in service to others.

Mr. Speaker, I can say with confidence that our community is a better place thanks to the ongoing, selfless commitment of people like SSgt. Wooldridge. The Port Angeles community applauds SSgt. Wooldridge for his service to country and we honor him today as the 2013 Marine of the Year. On behalf of our thankful nation, thank you.

RECOGNIZING THE 40TH ANNIVERSARY OF THE SLOVAK DAY CELEBRATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to recognize the 40th anniversary of the Slovak Day Celebration. In honor of this momentous occasion, a commemorative event will take place on Sunday, July 21, 2013 at the Salvatorian Shrine in Merrillville, Indiana.

The first Slovak Day Celebration took place at the Seven Dolores Shrine in Valparaiso, Indiana in 1973, when Father Joseph Viater, along with Betty and Carl Yurechko, decided that Slovak heritage and culture should be honored in Northwest Indiana with a day of celebration.

Slovak Day has been a great success over the years, and the day is celebrated each year with a Slovak Catholic Mass, followed by traditional Slovak food and performances by Slovak dancers. Throughout the years, many bishops have come to celebrate this significant event, including Bishop Sokol from Slovakia, Bishop Adamec of Pennsylvania, and Bishops Andrew G. Grutka and Dale J. Melczek of the Diocese of Gary, Indiana. Additionally, over the past 40 years, many dedicated volunteers from Slovak churches throughout the region have given their time and efforts to this day.

I would like to take this time to recognize the numerous hardworking committee members for their outstanding dedication to this event. They are Betty Yurechko, Lillian and John Zaborske, Agnes Chervenak, Melissa and Jason Yurechko, Ann Fedorchak, Leona Cupka, Elaine Ruzbasan, Betty Ortiz, Andy Sacek, Irene Horn Riggio, and Reverend John Kalicky.

Mr. Speaker, at this time, I ask you and my other distinguished colleagues to join me in recognizing the 40th anniversary of the Slovak Day Celebration. The Slovak community has played an important role in enriching the quality of life and culture of Northwest Indiana. For their commitment to preserving Slovak heritage, the committee members, church leaders, and volunteers are worthy of the highest praise.

HONORING OFFICER DANIEL ''JJ'' LOMAX

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. MARINO. Mr. Speaker, today I rise to honor Daniel Lomax, a firefighter and police officer who laid down his life in the service and protection of his community. Officer Lomax's End of Watch was Saturday, June 22, 2013.

Daniel Lomax, known as "JJ" to his friends, always put the safety of others first. He demonstrated that when he stopped to help the victim of a car accident while he was off duty, sacrificing his own safety for the good of others.

He devoted his life to serving others as a member of the Mayfield, Forest City, and Great Bend Police Departments. He also served as the Deputy Fire Chief in the Factoryville Fire Department and volunteered for the Meredith Hose Company in Childs, Pennsylvania.

Those who knew him remember how he looked out for his neighbors and friends, always putting others first. His fellow officers knew him as a dependable and likable colleague—If the world had more people like Daniel, it would be a safer place for everyone.

Although his time with us was tragically cut short, our memories of Daniel "JJ" Lomax will live on in the hearts of everyone who knew him. His dedication to his family, friends, fellow policemen and firemen, and to the people he served, is what made Daniel a true hero.

CELEBRATING GLENDA STOCK UPON THE OCCASION OF HER RETIREMENT

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. ALEXANDER. Mr. Speaker, I rise today to congratulate Glenda Stock on her retirement after years of hard work and dedication to Central Louisiana.

Glenda began her career with Delta Airlines where her final position was Regional Manager in Reservation Sales. In this capacity, she was responsible for over 6,000 employees located in six different cities. Though she had put in a lot of hours to promote herself during her 18 year career with Delta, Glenda wanted a simpler life. For her, this meant owning and operating the five Alexandria, La. McDonald's restaurants.

Her amazing work ethic did not disappoint. Glenda's leadership skills carried over into her business, where she worked side by side with her employees doing whatever job needed her attention, even if it included washing dishes. While she is kind and fair, Glenda's standards are high, and she expected no less than excellence from her employees.

Glenda is not just a business–minded woman, however. She has used her success and devotion to give back to her community. She has held numerous leadership roles, including Cabrini Foundation Board, Central Louisiana Community Foundation President, Chairperson of the CENLA American Red Cross, Vice President of the Economic Development Committee for the Chamber of Commerce, and board member of First Federal Bank. Her commitment to improving educational opportunities is also noteworthy. Glenda served on the LSUA Foundation Board while adopting multiple schools as their Partner in Education. She has received several awards for her selfless efforts, including a Louisiana Heroine Award, Service Above Self Award, Decades of Women Award, and Small Business Award.

For Glenda, her most rewarding accomplishment is what she was able to achieve with the help of her late husband David. Together, they successfully restored a historical building in Alexandria to house the Red Cross Operations.

As I mentioned previously, Glenda opted for an early retirement from Delta Airlines so that she could live a simpler life. It is my guess that, though Glenda is retiring from her position as owner and operator of her restaurants, she is not slowing down. Glenda Stock is a woman to be admired and respected by her peers for her motivated and philanthropic heart. With her retirement she leaves behind a remarkable legacy. Glenda has a message for all of her employees in new hire orientation, "Handle every customer the same as you would if I were standing there watching you!" Again, congratulations to Glenda Stock for a well deserved retirement.

CITIZENS FIRE AND RESCUE NO. 2

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. BARLETTA. Mr. Speaker, I rise to honor Citizens Fire and Rescue No. 2 of the Borough of Mechanicsburg, Pennsylvania which will celebrate 110 years of service to the community this year.

Organized on June 12, 1903, the company was formed in response to two major fires that took place in Mechanicsburg earlier that year. Residents of the western part of the borough who were frustrated by waiting for assistance from fire companies from the neighboring city of Harrisburg decided to form the organization so fires could be dealt with quickly, protecting residents and property.

Land for the site of the firehouse was purchased from Dr. W. H. Moyer in 1903, and the building was completed in 1904. To this day, it is still being used to house the fire company. In 1975, the organization merged with Rescue Hook and Ladder Company, also of Mechanicsburg, to form Citizens Fire and Rescue No. 2, the name it carries to this day. The members of this company continue to risk their own lives to ensure the safety and well-being of the residents of Cumberland County.

Mr. Speaker, for 110 years Citizens Fire and Rescue Company No. 2 has proudly protected the residents of the borough of Mechanicsburg and the surrounding areas from fire and other disasters. Therefore, I commend all those personnel who have faithfully served at this fire house.

RECOGNIZING SUSAN E. MITTEREDER ON THE OCCASION OF HER RETIREMENT FROM FAIRFAX COUNTY

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. CONNOLLY. Mr. Speaker, I rise to recognize and commend Susan E. Mittereder on the occasion of her retirement after a distinguished career in public service to the residents of Fairfax County, the largest local jurisdiction in the Commonwealth of Virginia and the National Capital Region. For the past 25 years, Sue has been the primary legislative liaison for Fairfax County, serving as the eyes, ears, voice, and chief advocate for local government in the halls of the Virginia General Assembly and Congress.

Her success in educating state and federal legislators about the interests of local government stems from her background as a classroom teacher. Having once attended classes in a one-room schoolhouse, Sue initially pursued a career in education. She received her Bachelor of Science in Education and Master of Education degrees from Indiana University of Pennsylvania. She taught first grade and gifted elementary classes for the Newark and New Castle school districts in Delaware before pursuing advanced and doctorate degrees in education administration at Virginia Tech. It was during that experience that she developed an affinity for public policy, and after graduation she took a position in the government relations office for Fairfax County Public Schools.

Four years later, she became the chief legislative liaison for Fairfax County. During the General Assembly's annual winter sessions, Sue became a familiar face in the halls of the state capitol, setting up a temporary outpost from which she and her colleagues could keep close tabs on legislative proposals affecting Fairfax County. Her attention to detail, dedicated work ethic, and mastery of the legislative process made her a resource for colleagues representing other local governments and also for the legislators themselves. The legislative battles produced more than a few chocolate-fueled late nights for Sue and her team as they analyzed the impacts of changes to state funding for local services or to local government authority over matters such as land use planning, zoning enforcement, taxes, transportation, human services, education, and public safety.

Whether it was a state delegate, senator, cabinet secretary, or governor, Sue was never afraid to assert the County's position. In fact, many a legislator has been known to wilt in the face of Sue's tenacity. It is that doggedness that helped her maintain the trust and confidence of six county executives and five chairs of the Board of Supervisors during her tenure. She also managed to maintain her roots in education, helping to mentor numerous young staff members throughout the County government and the legislature, including those who will now succeed her.

I worked closely with Sue during my 5 years as Chairman of the Fairfax County Board of Supervisors and my 14 years as Chairman of the Board's Legislative Committee. During the General Assembly session, Sue and her colleagues would rush back to the County for our regular late Friday afternoon meetings so that we could pore over the hundreds, if not thousands, of legislative proposals introduced each year with the rest of the Board, looking for those efforts that aligned with our priorities and those that were an affront to them, which, unfortunately, was more often the case. Because of that dynamic, Sue's institutional presence was invaluable. She was not only defending Fairfax County, but also safeguarding the interests of local governments throughout the Commonwealth. And passionately. It truly is one of the most unsung but critical functions of local government on behalf of our citizens.

In addition to her legislative accomplishments, Sue has a wonderful sense of humor,

which as we know is invaluable for enduring what can be a long legislative process, and she often served as the ringleader for the merry band of County staff that joined her for the annual sessions in Richmond. The revolving door included staff from the legislative office, the Office of the County Attorney, and the departments of transportation, tax administration, zoning enforcement, housing, public safety, public works, stormwater management, environmental quality, and many more.

Sue's other professional accomplishments include being a graduate of Leadership Fairfax, serving as a board member of the Liberal Arts and Human Resources Development Committee at Virginia Tech, and serving as a member of the National Association of County Intergovernmental Relations Officials. In 1996, she was recognized by Virginia Tech as an Outstanding Woman Graduate for her contributions to her community and her profession. She also serves on the education committee of her local homeowners association in Northern Virginia.

Mr. Speaker, Sue Mittereder's commitment to our community and the mission of local government are unparalleled, and she leaves behind a legacy that will benefit our community for generations to come. Her career in public service, beginning with her service in the classroom, is truly commendable and deserving of our sincere appreciation. When I was Chairman of the County Board, we often joked when retirement announcements like this came before the Board that we should not allow such talented and dedicated staff to leave public service, and I certainly wish that was the case here. I wish Sue the best of luck in her retirement, and I ask my colleagues in the House to join me in expressing our appreciation for her commitment to serving the residents of Fairfax County.

RECOGNIZING THE CAMPBELL FAMILY AS THE 2013 SANTA ROSA COUNTY, FLORIDA, OUTSTANDING FARM FAMILY OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the Keith Campbell family as the 2013 Santa Rosa County, Florida, Outstanding Farm Family.

The Campbell family's extensive history in farming began in Scotland before they immigrated to South Carolina and then eventually to Chumuckla, located in Northwest Florida, in the early 1800s. A sixth generation farmer on his father's side and a fourth on his mother's side, Keith began farming with his grandfather, W.T. Stewart, in 1983 and has since taken over the complete operation. The once 500 acre farm has grown to more than 1,300 acres and produces a variety of crops, including cotton, peanuts, and wheat. The Campbell family also raises livestock—approximately sixty beef cattle—and maintains an apiary for honey production and crop pollination.

Always seeking better ways to improve the efficiency of his farming operation, Keith has reaped the benefits of technological advances that reduce costs while increasing total crop yield. For instance, the adoption of herbicide-resistant crops in the 1990s allowed him to reduce soil erosion, business costs, and the amount of herbicides used. In the more recent years, precision tools such as field mapping and GPS equipment guidance have allowed for a further stimulation of the farm's operating effectiveness.

In addition to Keith's wife, Robynn, several other members of the family contribute to the overall success of the farm, including their daughters, Ashleigh, a teacher at Bennett C. Russell Elementary School and Brittney, a student at the University of West Florida; their nephew, Dale Campbell, who helps out after school; and Ashleigh's husband, Adam Bondurant, a senior at the University of West Florida. Their neighbors are also crucial to the farm's growth and development. Keith has spread his ideas on efficiency throughout the Santa Rosa County farming community, by initiating equipment sharing and custom planting programs with his fellow farmers.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize the Keith Campbell family as the 2013 Santa Rosa County, Florida, Outstanding Farm Family. There is no question that the Campbell family and its farm will continue to be an important component to the success of farming in the First Congressional District of Florida for many generations to come. My wife Vicki and I wish the Campbell family all the best as they continue to serve the citizens of Northwest Florida.

IN HONOR OF SCOT McKAY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. FARR. Mr. Speaker, I rise today to honor the life and remarkable public service of my friend, Scot McKay. Scot passed away on July 10th at the young age of 59. Scot was a visionary businessman, a respected citizen, a dear friend, husband, father, and somebody who made the world a better place to live in.

Mr. McKay was born and raised in Evanston, Illinois. He achieved remarkable success as a young businessman. He founded McKay Spoke 'n Sport and McKay Front Runner, acquired McKay Nissan which he expanded into Mazda and Suzuki, acquired Acura of Libertyville and, among others, was a partner of the Clean Plate Restaurant Group. In 2003, he moved his family to Carmel, California, where he quickly embraced the local community, buying, renovating and dramatically improving the Carmel Valley Athletic Club, developing and building his relaxation spa, revamping an iconic local radio station and most recently acquiring the Gardener Tennis Ranch, where I once lifeguarded. He turned it into a premier wedding and business retreat facility. Scot also served on the boards of directors of the American International Automotive Dealer Association and The Big Sur Land Trust.

Yet, for all of his accomplishments, he was proudest of his family. Being home each evening was a top priority and when asked about his life, he frequently spoke fondly of his children's recent accomplishments and family trips. Scot was well-known throughout his community for his friendly greetings and interest in knowing how he could help any cause. He grabbed onto life fully and made the most of his time here. His curious nature led him to explore a variety of experiences. His humor and charm will be remembered and the love he has shared with his family and friends will long endure.

Mr. Speaker, I know I speak for the whole House in remembering Scot McKay and extending condolences to his father and loved ones, especially his wife Heidi and his children Ashley, Jacob, Justin, Kyle, Paige, Matthew and Ian. I would like to express my gratitude for his selfless service to the people of Monterey County, and indeed to our whole Nation. He will be remembered for all the lives he touched. We will miss you, Scot.

BRING ARMANDO TORRES HOME

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. HUNTER. Mr. Speaker, I rise in support of Armando Torres, an American and former Marine who was kidnapped in Mexico. Armando served in the Marine Corps from 2005 to 2011, completing tours in Iraq and Africa. He is a native of Texas and the father of two small children.

In the Marines, we were taught to leave no person behind, and we must uphold that commitment to Armando. The United States and Mexican Governments have been working to find Armando, but it is clear that much more can be done. That is why the State Department and Justice Department must raise the visibility of this issue, and send a clear message to his captors that the United States will not tolerate the kidnapping of one of its citizens. Marines and their families from across our Nation have been rallying around Armando's cause, and it is time for all of us to join them, so we can ensure that Armando will be safely returned home to his family.

FAIRNESS FOR AMERICAN FAMILIES ACT

SPEECH OF

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 2013

Ms. CLARKE. Mr. Speaker, I oppose H.R. 2668 the Fairness for American Families Act; which would seek to delay until 2015 the requirement that individuals maintain minimal essential health care coverage.

Once again, for the 38th time, Republicans are voting to repeal parts of the Affordable Care Act.

The individual responsibility requirement under the Affordable Care Act, which calls for purchasing coverage or paying a penalty, covers only those who have access to affordable coverage. If an individual does not have access to coverage with premiums that are 8 percent or less of their income, the individual is exempt.

Individuals are also exempt if their income is so low they do not have to file a federal tax return; or if they qualify for an exemption

based on hardship, religious beliefs, and certain other factors; or they spend less than three consecutive months without coverage.

Therefore, the Republicans' disingenuous concern that Americans will be punished if they are unable to afford coverage is simply not true!

The Affordable Care Act's individual responsibility provision is a critical component of the additional patient protections and reforms that go into effect in 2014. Health experts have determined that if, beginning in 2014, insurers can no longer deny coverage to people with pre-existing conditions and can no longer charge them higher premiums, premiums in health insurance marketplaces would rise sharply unless all Americans with access to affordable insurance either purchase it or pay a penalty.

This is yet another attempt to obstruct and undermine the successful implementation of the Affordable Care Act.

The result of this bill's delay of the individual responsibility provision would be to limit access to affordable coverage for millions of Americans and thereby, weaken one of the primary premises of the Affordable Care Act.

Don't fall for this trick! I ask my colleagues to stand in with me in solidarity and vote no on this bill.

LETTER TO LEADER REID AND LEADER PELOSI

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. SALMON. Mr. Speaker, I would like to submit the following:

DEAR LEADER REID AND LEADER PELOSI: When you and the President sought our support for the Affordable Care Act (ACA), you pledged that if we liked the health plans we have now, we could keep them. Sadly, that promise is under threat. Right now, unless you and the Obama Administration enact an equitable fix, the ACA will shatter not only our hard-earned health benefits, but destroy the foundation of the 40 hour work week that is the backbone of the American middle class.

Like millions of other Americans, our members are front-line workers in the American economy. We have been strong supporters of the notion that all Americans should have access to quality, affordable health care. We have also been strong supporters of you. In campaign after campaign we have put boots on the ground, gone door-to-door to get out the vote, run phone banks and raised money to secure this vision.

Now this vision has come back to haunt us.

Since the ACA was enacted, we have been bringing our deep concerns to the Administration, seeking reasonable regulatory interpretations to the statute that would help prevent the destruction of nonprofit health plans. As you both know first-hand, our persuasive arguments have been disregarded and met with a stone wall by the White House and the pertinent agencies. This is especially stinging because other stakeholders have repeatedly received successful interpretations for their respective grievances. Most disconcerting of course is last week's huge accommodation for the employer community—extending the statutorily mandated ''December 31, 2013'' deadline for the employer mandate and penalties.

Time is running out: Congress wrote this law; we voted for you. We have a problem; you need to fix it. The unintended consequences of the ACA are severe. Perverse incentives are already creating nightmare scenarios:

First, the law creates an incentive for employers to keep employees' work hours below 30 hours a week. Numerous employers have begun to cut workers' hours to avoid this obligation, and many of them are doing so openly. The impact is two-fold: fewer hours means less pay while also losing our current health benefits.

Second, millions of Americans are covered by non-profit health insurance plans like the ones in which most of our members participate. These non-profit plans are governed jointly by unions and companies under the Taft-Hartley Act. Our health plans have been built over decades by working men and women. Under the ACA as interpreted by the Administration, our employees will treated differently and not be eligible for subsidies afforded other citizens. As such, many employees will be relegated to second-class status and shut out of the help the law offers to for-profit insurance plans.

And finally, even though non-profit plans like ours won't receive the same subsidies as for-profit plans, they'll be taxed to pay for those subsidies. Taken together, these restrictions will make non-profit plans like ours unsustainable, and will undermine the health-care market of viable alternatives to the big health insurance companies.

On behalf of the millions of working men and women we represent and the families they support, we can no longer stand silent in the face of elements of the Affordable Care Act that will destroy the very health and wellbeing of our members along with millions of other hardworking Americans.

We believe that there are common-sense corrections that can be made within the existing statute that will allow our members to continue to keep their current health plans and benefits just as you and the President pledged. Unless changes are made, however, that promise is hollow.

We continue to stand behind real health care reform, but the law as it stands will hurt millions of Americans including the members of our respective unions.

We are looking to you to make sure these changes are made.

JAMES P. HOFFA,
General President, International Brotherhood of Teamsters.
JOSEPH HANSEN,
International President, UFCW.
D. TAYLOR,
President, UNITE-HERE.

TRIBUTE TO RAJ NARAYANAN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Murrieta are exceptional. The City of Murrieta has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Raj Narayanan is one of these individuals. On July 20, 2013, Raj will be honored as the ''Citizen of the Year'' at the Murrieta Chamber of Commerce Annual Awards Celebration.

Raj is the epitome of the values that the Murrieta Chamber of Commerce holds true, with a focus on strengthening the local economy, providing networking opportunities, promoting the community, representing business and government, and political advocacy. Currently, Raj serves as a Board Member of the Chamber, where he will soon serve on the Ambassador and Membership Committees. He is a highly motivated community builder and hardworking professional with proven organizational abilities. During his time at the Chamber, Raj has proven to be an effective leader.

Raj's involvement and vision have grown during his time serving on the Murrieta Chamber Board. Raj has always been quick to accept a challenge, especially if it means betterment for the community. He is co-chair for both the Chamber Golf Tournament and Chamber Installation Dinner. While serving as co-chair for the Chamber Golf Tournament, Raj effectively rebranded the tournament as the ''Brew Masters Tournament'' and successfully raised more money than in previous years. His success does not stop there. As co-chair of the Installation Dinner, Raj has tirelessly worked to rebrand the event as the ''Awards Celebration'' hosted at the Pechanga Resort and Casino with the hope of growing it annually. Raj has always been eager to help new Chamber members and is an active volunteer in Chamber events, including the Murrieta Chamber Reverse Drawings and the Special Olympic Games Bocce Ball Tournament.

In addition to the Murrieta Chamber of Commerce, Raj is a member of many other community organizations whose programs help fundraise for businesses and organizations in the area. These organizations include the Temecula Valley Chamber of Commerce and the Valley Young Professionals. He was recently appointed to the Advisory Council of the Assistance League of Temecula Valley. He has helped events come to life through multiple planning stages, including the Boys and Girls Club Annual ''Field of Dreams'' Dinner, the Juvenile Diabetes Research Foundation Walk which raised over $90,000, and the Reality Rally. Raj has also been a participant in the Murrieta Veteran's Day Parade, Field of Honor, Boys and Girls Club ''Our Kids Rock'' fundraiser, and the Susan G. Komen for the Cure Walk/Run. He is also an active participant in the Temecula Noon Rotary Club where he serves as a member of the International Committee and is the Membership Co-Chair. For the Past three years, Raj has been committed to his title as ''Food Chair'' for the annual Rotary Taste of the World Fundraiser, which helped generate over $40,000 in 2013.

In light of all Raj has done for Murrieta, the Murrieta Chamber of Commerce named Raj their Citizen of the Year. His tireless passion for community service has contributed immensely to the betterment of Murrieta and the surrounding area. He has been the heart and soul of many organizations and events and I am proud to call him a fellow community member and American. I know that many are grateful for his service and salute him as he receives this prestigious award.

PERSONAL EXPLANATION

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. GRIMM. Mr. Speaker, on rollcall No. 363 I was unable to vote due to a recent medical procedure. Had I been present, I would have voted "yes."

INTRODUCTORY STATEMENT FOR H.R. _____, THE LONG TERM CARE VETERANS CHOICE ACT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. MILLER of Florida. Mr. Speaker, today, I am introducing H.R. _____, the Long Term Care Veterans Choice Act, to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into contracts and agreements for the transfer of veterans to non-Department medical foster homes for certain veterans who are unable to live independently.

Medical foster homes are private homes in which a trained caregiver provides twenty-four-hour, around-the-clock, care to a few individuals.

They are designed to provide a non-institutional long-term care alternative to those who prefer a smaller, more home-like and familial care setting than many traditional nursing homes are able to provide.

The Department of Veterans Affairs, VA, has been helping to place veterans in medical foster homes for over a decade.

VA, as part of the placement process, inspects and approves all medical foster homes, limits care to no more than three veterans at a time, and provides veterans living in such homes with home-based primary care services.

VA also provides safeguards to ensure veterans receive safe, high-quality care by requiring medical foster home caregivers to pass a federal background check and VA screening, agree to undergo annual training, and allow VA medical foster home coordinators and members of a VA home care team to make both announced and unannounced home visits.

Today, according to VA, over four hundred approved caregivers provide medical foster home care in their homes to over five hundred veterans daily in over thirty five states.

The problem, however, is that VA does not have the authority to pay for the cost of the medical foster home.

So, the veteran who chooses to live in a medical foster home must pay out of pocket with personal funds—regardless of whether or not such veteran is eligible for VA-paid nursing home care.

This creates a situation where many service-connected veterans with limited financial resources, who would prefer to live in a medical foster home, go to a nursing home institution instead because VA will cover the cost of the nursing home, but not the medical foster home.

And, while traditional nursing homes will always be a vital component of long-term care, medical foster homes provide a worthy alternative for many veterans.

According to the Department, many more veterans would elect to receive care in a medical foster home should VA be granted the authority to pay for such care.

As the veteran population continues to age, the need for long-term care services will continue to grow.

I am sure we all agree that one thing we owe our veterans, particularly those who are service-connected and in need of long-term care, is the luxury of choice—the choice to decide where and how to receive the care they need.

The Long-Term Care Veterans Choice Act which would authorize VA to enter into a contract or agreement with a certified medical foster home to pay for the residential long-term care of service-connected veterans who are eligible for VA-paid nursing home care and would expand the long-term care choices offered to veterans beyond traditional services.

In addition to being beneficial for the health and well-being of veterans, the average cost of a medical foster home is approximately half the monthly cost of a nursing home, making this legislation a very cost effective health care option.

This is a commonsense, veteran-centric bill that will free many veterans from financial turmoil, and allow them to make their own decisions about what kind of long-term care they want to receive.

I strongly encourage my colleagues to join me in co-sponsoring the Long Term Care Veterans Choice Act.

H.R. 2667 AND H.R. 2668, TO AMEND THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

HON. DEREK KILMER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. KILMER. Mr. Speaker, as Congress considers two pieces of legislation related to the Affordable Care Act, I rise today to point out the silly exercise we're going through. On days like today, the American public gets to see exactly why Congress' approval rating is at historic lows.

Today, we're voting on two bills that would amend provisions of the Affordable Care Act. The first bill before us, H.R. 2667, would delay the so–called employer mandate provision until January 1, 2015. Given that the Administration has already said that they are delaying the employer mandate provision until that time, this bill won't actually do anything.

Mr. Speaker, the other bill we're voting on, H.R. 2668, would delay the implementation of the so–called individual mandate for one year. This bill would severely undermine the integrity of the Affordable Care Act. While I wasn't in Congress when the Affordable Care Act was passed into law, it is clear that this provision is needed to help make insurance affordable for all Americans and finally end the ability for insurance companies to deny coverage to those who have pre–existing conditions. By delaying the individual mandate, this bill would raise premiums on working class families and cause significant harm to our efforts to make health insurance accessible to all Americans.

I am proud of the work the State of Washington has done, through its state–based exchange and Medicaid expansion efforts, to make health insurance accessible for more than half a million uninsured Washingtonians. This will not only lead to a healthier population, but save Washington State an estimated $280 million by the end of 2015, and add 10,000 new jobs as a result of the coming health care changes.

Before today's vote, I reached out to Washington State's Office of the Insurance Commissioner to discuss the individual insurance marketplace and the proposal to delay the individual mandate. I was assured that the marketplace is moving forward, full steam ahead. Insurance Commissioner Mike Kreidler said in a statement, "Delaying the mandate would be unwise. It's an issue of personal responsibility. It's unfair for people who can afford coverage to not have it, and to expect the rest of us to cover the cost of their care if they become seriously sick or injured."

The decision to bring both of these bills to the floor in this manner is not guided by some public policy concern. It is not to put forward credible solutions to legitimate problems. It is nothing more than a cynical attempt to play politics and mock the notion that we should implement the Affordable Care Act in a thoughtful, pragmatic way.

Mr. Speaker, I reject this false dichotomy. I support H.R. 2667, the Authority for Mandate Delay Act, not because I believe it solves an urgent problem, but for the same reason that I supported the Administration when they made this decision in the first place: the provisions have been determined to be too complex to implement prior to the existing deadline. I've met with several dozen employers in recent months who have asked for more time and greater certainty. That's what this bill does.

On the other hand, I oppose H.R. 2668, the Fairness for American Families Act, because the individual marketplace is moving forward and is in a fundamentally different place. In fact, this bill would severely undermine our ability to provide affordable, comprehensive health insurance to Americans.

[From the Washington State Office of the Insurance Commisioner Updates, July 17, 2013]

"Delaying the mandate would be unwise. This is an issue of personal responsibility. It's unfair for people who can afford coverage to not have it, and to expect the rest of us to cover the cost of their care if they become seriously sick or injured.

"A critical part of the Affordable Care Act was the provision requiring that insurers take all applicants. No more screening out people because they have pre-existing medical conditions. But to make that work, you have to have as many people as possible in the insurance pool.

"Without an individual mandate to have coverage, people would likely just buy insurance when they knew they needed it. That's like letting people get homeowners insurance only when their house catches fire."

SAFE RETURN OF ARMANDO TORRES

HON. FILEMON VELA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. VELA. Mr. Speaker, today I rise to join my colleagues in urging the State Department and the government of Mexico to do everything that they possibly can to ensure the safe return of Armando Torres.

It has been over two months since Armando was taken captive by armed gunmen while visiting his father in Mexico. A native of South Texas, Armando served 7 years in the Marine Corps including combat tours in Iraq. Though he survived a war zone, a greater threat to his safety came closer to home when he drove across the Los Indios Bridge into Mexico.

What should have been an uneventful trip became a nightmare for the Torres family when Armando has kidnapped. This is a sadly all too common occurrence in Mexico with as many as 70 kidnappings occurring every day.

The cartel violence in Mexico has had a profound impact on the entire nation with over 60,000 killed.

The unprecedented level of violence has greatly affected the United States as well. Relations with our neighbor to the south have been strained as the free flow of lawful commerce and visitors has been threatened by crime and illegal trafficking. Over 600 U.S. citizens have been murdered in Mexico. We talk about the Global War on Terror, but the cartel violence in Mexico has proven to be a far more deadly threat. We cannot and we will not sit idly by and watch our ally Mexico fight this war alone. We are committed to working together to address the problems which face our two nations.

The number of victims of this deadly war is staggering, but Armando Torres is not just a statistic. He is not just one of the victims of the cartel violence which has ravaged Mexico. He is a Marine, a son, a nephew, a cousin, a husband, and a father. And our nation must do everything in our power to bring him home.

I stand with my colleagues in the United States Congress today in support of Armando. We will not rest until he is returned safely to his family and friends.

INTRODUCTION OF THE ''ALEXIS AGIN IDENTITY THEFT PROTECTION ACT OF 2013''

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. BECERRA. Mr. Speaker, I am pleased to join with my friend and colleague, SAM JOHNSON, to introduce this bipartisan legislation to protect Americans from identity theft.

I have long been concerned about the problem of identity theft, where all too often the Social Security number, SSN, which is assigned to make sure Americans get their earned Social Security benefits, is the key to committing fraud. For a number of years, Chairman JOHNSON and I have worked together on a bipartisan basis with other members of our Social Security Subcommittee to find ways to better protect Americans from identity theft.

One of the most troubling forms of identity theft is fraud involving a deceased individual, which victimizes grieving families. Our subcommittee learned about a family that not only lost their young daughter to a terrible cancer—but then was dealt another blow when they found that their child's identity had been stolen and used to collect a fraudulent tax refund.

Our bill aims to stop this fraud in its tracks. It is named in honor of the child whose family asked our Subcommittee to make sure what happened to them did not happen to another family: the ''Alexis Agin Identity Theft Protection Act of 2013.'' No one should have to endure both the loss of a loved one and then the financial stress of dealing with identity theft because a fraudster has appropriated the person's identity.

The Death Master File, DMF, a prime source of SSNs used in identity theft, is a database of death information reported to the Social Security Administration, SSA. However, a lawsuit forced SSA to make this database available to anyone who wants it. SSA needs this information—it is used to make sure earned benefits from the Social Security Trust Fund are only paid to the living. But SSA does not want to make it available to fraudsters, and they should not be required to do so.

Our bill would restrict access to the DMF to legitimate users and release to the general public only death data that is older than three years, at which point it is relatively useless to ID thieves bent on using it for fraud. Over time, our bill also enables the States to take back the responsibility of handling their death data and ends SSA's public release of the DMF for good. The President's budget proposes a similar approach that the Joint Committee on Taxation projects would save $793 million over ten years by reducing the potential for fraudulent tax refunds. The National Taxpayer Advocate and the SSA Inspector General have also called for the public release of the DMF data to end.

I applaud the bipartisan approach we took to resolving this problem for the American people. I hope we can learn from the Agin family's tragic experience and move swiftly to enact this bipartisan, commonsense measure to reduce the harm of identity theft.

CHAMPION OF HISPANIC YOUTH JOHN LOPEZ

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Mr. John Lopez, a resident of my district who passed away on July 2, 2013.

John was born and raised in Santa Ana, California. He went on to earn a Bachelor's Degree from University of California, Irvine and a Masters from the University of La Verne.

One of his proudest affiliations was through the work he did with the American GI Forum, where John rose to serve as the California State Treasurer for the organization.

John was also a member of the Latino Advocates for Education, where he worked on documenting the military service of Latino veterans. He also helped Anaheim Latino youth gain scholarships through his membership and participation in the LULAC Anaheim Council.

A 26-year veteran of Northrop Grumman, John was a true patriot who carried out his duties with passion and integrity.

John and his wife, Linda, founded the Hispanic Advisory Council to CASA (Court Appointed Special Advocates of Orange County). Their efforts continue to impact the Hispanic youth that CASA serves.

John Lopez was a true public servant to his community. While he will be greatly missed, his contributions will benefit future generations.

HONORING THE NAPA COUNTY FARM BUREAU

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor the Napa County Farm Bureau on the occasion of its centennial anniversary.

The Napa County Farm Bureau was initiated in 1913 when at a meeting of the Napa Grange, H. J. Baade stated that the University of California at Berkeley would hire a scientifically trained man with at least four years of practical farming experience and place him in any county that would agree to organize a Farm Bureau. The Napa Grangers instructed the District Attorney to assist the Secretary of the Napa Chamber of Commerce to organize a Bureau of at least one-fifth of all the farmers in the county.

Today, the mission of the Napa County Farm Bureau is to ensure the proper political, social, and economic climate for the continuation of a strong, vibrant and sustainable agricultural economy. The Farm Bureau is one of the county's major voices for land stewardship, agricultural sustainability, and open space preservation and conservation. Over the last four decades, the Napa County Farm Bureau has led the resistance to the trend toward paving over farmland across the state and nation, and worked with County government leaders to designate agriculture as its most precious resource—the highest and best use of the land.

Countless members of the community have given much of their time and talent to help improve the agricultural conditions of Napa County. The organization is guided by a Board of Directors and supported by a multitude of dedicated volunteers. The Napa County Farm Bureau will honor 52 Centennial Napa County farm families who have been farming in the county for 100 or more years on August 3rd.

Mr. Speaker, throughout its 100 year history, the Napa County Farm Bureau has worked to protect family farms and ranches, maintain and enhance Napa's rich agricultural heritage, and promote good stewardship of Napa's soils, watersheds, wildlife habitat and open space. It is therefore appropriate that we acknowledge the Napa County Farm Bureau today and wish it great success in future years.

A COMPARATIVE ANALYSIS OF THE DEVELOPMENT AND APPLICATION OF MARINE NAVIGATION SAFETY AND MARINE ENVIRONMENTAL PROTECTION CRITERIA FOR OFFSHORE RENEWABLE ENERGY INSTALLATIONS

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. BROUN of Georgia. Mr. Speaker, on April 16, 2013, the House Science, Space, and Technology Subcommittees on Oversight and Energy held a joint hearing titled, ''Assessing the Efficiency and Effectiveness of Wind Energy Incentives.'' The attached document contains excerpts from an analysis that is part of the record for that hearing.

''A COMPARATIVE ANALYSIS OF THE DEVELOPMENT AND APPLICATION OF MARINE NAVIGATION SAFETY AND MARINE ENVIRONMENTAL PROTECTION CRITERIA FOR OFFSHORE RENEWABLE ENERGY INSTALLATIONS, MARCH 11, 2013'', BY: JOHN F. MCGOWAN, RADM USCG (RET), FOR: THE MCGOWAN GROUP, LLC.

INTRODUCTION

The following has been excerpted from an analysis performed in March 2013 by The McGowan Group, LLC.

In recent years, the Department of the Interior's Bureau of Ocean Energy Management (BOEM) and the U.S. Coast Guard (USCG) has taken steps to establish a process and standards for the leasing of areas for development of Offshore Renewable Energy Installations (OREIs) on the U.S. Outer Continental Shelf (OCS). In 2006, the USCG embarked on setting standards to safeguard marine safety and marine environmental protection for the siting and operation of OREIs on the nation's waterways and oceans. In response to special legislation enacted in 2006, the USCG was also required to establish navigational safety terms and conditions (T&C) specifically for Nantucket Sound due to the proposal for the 130 turbine Cape Wind Associates (CWA) OREI.

This report provides a comparative analysis of the T&C for Nantucket Sound under Section 414 of the Coast Guard Maritime Transportation Act of 2006 (CGMTA) and the navigational safety actions taken elsewhere or now under development by USCG and BOEM. As this report concludes, the Nantucket Sound standards provide significantly less protection for navigation safety than the comparative measures established or proposed for every other OREI location.

THE SITE AND THE DESIGN (NANTUCKET SOUND AND CAPE WIND)

Nantucket Sound is not only a heavily used body of water, but one of the most dangerous places to navigate in the U.S. In fact, the seaman's' handbook, The Coast Pilot, singles out Nantucket Sound for special caution due to the frequent occurrence of wind, fog, and high velocity currents.

Horseshoe Shoal, found near the center of Nantucket Sound, is a well-known and marked hazard whose rocks are seldom visible above the Sound's surface. Water depths in and around the Shoal vary from 2 ft. to nearly 60 ft. The shoal is bounded by the North Channel, which runs below Great Neck and Hyannis, and the Main Channel, which runs from Vineyard Sound from the west to the Atlantic Ocean to the east. The Main Channel that the CWA facility would abut has a controlling depth of thirty feet. The proposed project site is virtually surrounded by general anchorages for vessels awaiting entry into port, conducting repairs, or escaping or riding-out bad weather or visibility that is common in Nantucket Sound.

Other than marked channels and charts, there are no Traffic Separation Schemes (TSS), vessel traffic reporting or control systems in place in the Sound. The port of Boston, Buzzards Bay, the Cape Cod Canal, and Rhode Island Sound all have TSS ship routes, or in the case of the Cape Cod Canal and Buzzard's Bay, vessel reporting systems in place. These USCG systems significantly mitigate navigational risk and play a prominent role in the navigational risk assessment for other areas being considered as potential sites for offshore wind facilities on the Atlantic coast. The absence of TSS or other vessel control measures makes navigational risk in the Sound subject to comparatively greater risks.

While the Main Channel in Nantucket Sound can support vessels with drafts up to 24 ft., including cruise liners, it also serves as the main artery for ferries connecting the Sound's islands and for an estimated 250 large oceangoing fishing vessels. The proposed site for the CWA facility borders these channels and routes extensively used yearround by the ferry systems, some of which offer high-speed service at 30 knots on all its sides.

The CWA proposal would place the WTGs directly adjacent to these busy vessel routes, in some cases to be constructed within 975 ft. to 1,200 ft. from the edge of the North and Main channels, respectively. Without an additional buffer from these routes, an allision with the nearest WTGs would occur in a mere 60 seconds, at normal speeds, for a vessel or boat that leaves the channel. A high speed ferry would have 20 seconds to detect, take action, and respond to avoid such allisions. Collision risk with vessels traveling within or adjacent to the project site also would be a problem due to WTG interference with navigation and collision avoidance radar.

SECTION 414 AND THE 2008 MMS FEIS

In 2005, Congress enacted Section 414 of the Coast Guard Maritime Transportation Act of 2006 (CGMTA). Section 414 requires the USCG to ''specify the reasonable terms and conditions the Commandant determines necessary to provide for navigational safety with respect to the proposed lease, easement, or right-of-way and each alternative to the proposed lease, easement or right-of-way considered by'' the Secretary of the Interior for an offshore wind energy facility in Nantucket Sound.

Section 414 makes it clear that the T&C are to protect the navigational status quo, not to protect CWA or its design. The USCG can fulfill this duty only by developing T&C that ensure the project does not present navigational risks, including the possible need to alter the project design through the establishment of a buffer zone from existing shipping and ferry routes, or to deny the lease application at the proposed location. The burden to provide for navigational safety belongs to CWA, not to mariners, fishermen, or the public.

In late 2008, USCG altered its approach that would have addressed navigation safety concerns by including changes to the project, to instead adopt the position that the project had to be accepted as it was proposed. As a result, all burden for safety was placed on mariners and USCG did not recommend a safety separation or buffer zone from the Sound's established channels and shipping routes. Several lawsuits are pending against the CWA project, including challenge of the USCG T&C.

BOEM'S EAS

BOEM began implementing DOI's ''Smart from the Start'' initiative in 2011 with USCG and other agencies to produce environmental assessments (EAs) for offshore wind development. The initiative called for the identification of areas on the Atlantic OCS that were most suitable for commercial wind energy and the availability of those areas for leasing and site assessment. During 2011, BOEM published Notices identifying those ocean areas and requested public comment.

Significant public comment was received from maritime interests in response to the BOEM Notices. Major changes were made to the various Wind Energy Areas (WEAs) including excluded areas. The EAs provide mitigation of marine navigation risk by outright exclusion of areas that could produce navigation or fishing conflict and by providing safe separation/buffer zones between WEAs and vessel routes. The following safety criteria are evident from the final selection of lease blocks in these EAs:

The presence of Traffic Separation Schemes (TSS) or other vessel routing/control measures facilitate the safe designation of WEAs in ocean areas bearing volumes of marine traffic and/or fishing activity.

Safety separation/buffer zones of 1 nm from TSSs and from shipping routes should be applied in WEA identification as well as in subsequent site selection.

Marine traffic routes and fishing areas should be identified and their densities estimated and projected for future growth and expansion in defining the limits of WEAs.

Blocks should be excluded which would conflict with the safe operation and transit of shipping on recognized routes and from vessels working in traditional fishing areas.

None of these criteria were applied to the siting, size and shape of the CWA proposal for Nantucket Sound.

USCG ACPARS

Concurrent with the BOEM ''Smart from the Start'' process, in 2011, USCG embarked on a separate study whose scope would influence OREI facility siting and design. The USCG issued its first and interim report in July 2012. The final report is not expected to be issued until the end of 2013.

The core of the USCG ACPARS analysis and the basis for its recommended exclusions from the WEAs proposed in the BOEM Notices is the ''R-Y-G'' methodology developed from standards and criteria for OREIs applied in the UK and which provide three break points between WEAs and vessel traffic routes:

1 nm—The minimum separation distance to the parallel boundary of a TSS. At this distance there would still be S band radar interference and automatic radar plotting aid (ARPA) is adversely affected. This is also the boundary between High/Medium navigational safety risk.

2 nm—The separation distance where compliance with COLREGS becomes less challenging, mitigation measures would still be required to reduce risk As Low as Reasonably Practicable (ALARP). This is also the boundary between Medium/Low navigational safety risk.

5 nm—The separation distance where there are minimal impacts to navigational safety and risk should be acceptable without additional mitigation. This is also the boundary between Low/Very Low navigational safety risk.

ACPARS examined the shipping routes and patterns for each area as well as individual blocks in the WEAs proposed by BOEM. Blocks that were determined to be hazardous to marine navigation and to the marine environment were ''colored'' RED, which the group defined as: ''those blocks, or portions of blocks, that cannot/should not be developed now or in the future because of vessel traffic usage. Development of these blocks

would have an unacceptable impact to navigational safety and precludes development.'' YELLOW BLOCKS were defined as ''those blocks, or portions of blocks, that require further study/analysis of existing traffic usage/patterns as well as projected future traffic increases based on development of adjoining/adjacent blocks. Development of these blocks would potentially have an unacceptable impact on navigational safety which requires additional study to determine the risk and possible mitigation if developed.'' GREEN BLOCKS were defined as ''those blocks, or portions of blocks, whose development would, based on available information, pose minimal to no detrimental impact to navigational safety. Traffic using these blocks can be 're-routed' around developed alternative energy sites. These blocks would require minimal, if any, mitigation.''

ACPARS stated: ''Although consensus was not reached, the majority of the ACPARS Workgroup recommended the use of a 1NM separation distance from shipping routes for determining the boundary between Yellow and Red Blocks. As stated above there was consensus for using 5NM as the minimum distance from shipping routes for Green Blocks.''

COMPARISON—NANTUCKET SOUND VERSUS THE OREI NAVIGATIONAL SAFETY MEASURES

The attached Figure 4–12 has been excerpted from the BOEM EA for Massachusetts and displays the TSS schemes for Rhode Island Sound, the Port of Boston, and the approaches to NY. It shows ''High'' density vessel tracks in a yellow to salmon color scheme. Figure 1 shows commercial vessels in Nantucket Sound, specifically its Main Channel, in heavy volumes very similar to those studied for the proposed WEAs in the Massachusetts and in the Rhode Island & Massachusetts EAs produced by BOEM.

What is not shown in these Figures is the disparity of navigation risk and of displacement of fishing activities that would be created by OREIs in the various WEAs as compared to CWA. Using the WEA area described in the RI & MA BOEM EA (RIMAWEA) as a comparison to the proposed CWA site, several factors emerge that drive starkly different navigational and operational risk environments that transiting vessels must overcome.

The RIMAWEA would be located adjacent to the high density TSS in Rhode Island Sound. The vessel one-way lanes of the TSS are each 1 nm wide with depths ranging from 60–120 ft. The Main Channel directly adjacent to the CWA site on Horseshoe Shoal can be visualized as a higher risk single-lane carrying vessel traffic in multiple directions which narrows to 3/4 nm between two dangerous shoals with 30–60 ft. of water at the junction of heavy vessel traffic crossing from east to west and north to south. There are few shoals and ledges in the direct vicinity of the RIMAWEA and the RI TSS; vessels leaving the TSS by design or in emergency have ''sea room'' to maneuver and recover in water depths ranging from 60–160 ft. Utilizing both BOEM EA and ACPARS criteria, a troubled vessel seeking to avoid a casualty with a WTG placed near the TSS or with another vessel hidden in radar interference from the facility would have a 1 nm buffer space between the RIMAWEA TSS and other vessel routes to safely react. ACPARS examined the vessel routes and traffic density for the RIMAWEA proposed for RI Sound, the region most akin to the navigation conditions found in Nantucket Sound. USCG requested that BOEM exclude 16 blocks from the RIMAWEA to safeguard navigation safety for vessels on routes or within the TSS which would pass within a safety buffer of 1 nm from the WEA.

USCG also requested BOEM include the following statement in the EA: ''UK Maritime Guidance Note MGN–71 and the expertise of waterways SME's to evaluate and/or identify individual BOEMRE RFIs/CFIs. Based on MGN–371, any areas <1 NM from existing shipping routes pose a high risk to navigational safety and are not considered acceptable for the placement OREIs. Areas >5NM from existing shipping routes are considered to pose minimal risk to navigational safety. Everything between 1NM and 5NM would require analysis to determine if mitigation factors could be applied to bring navigational safety risk to within acceptable levels. Please note that impacts to radar and ARPA still occur outside of 1 NM which will have to be evaluated along with other potential impacts. The above are only planning guidelines and a full navigational risk assessment will be required as part of the EIS prior to approving construction of any OREIs.''

In contrast, USCG accepted the design and siting of the CWA facility without challenge and without imposing any minimum separation distance between the surrounding vessel routes and channels and the facility's WTGs. The CWA facility design and placement of its WTGs would provide the crew of a passenger ferry or boat that leaves the channel a mere 60 seconds, at normal speeds, and a high speed ferry a mere 20 seconds to detect, take action and respond to avoid a collision with an adjacent WTG.

Another significant disparity lies in the treatment of the safety and operational needs of commercial fishing vessels. The 2012 BOEM EAs examined and then excluded entire blocks and sections of the proposed WEAs to prevent the displacement of those vessels and their traditional fishing activity. BOEM appears to have adopted the position that commercial fishing vessels and their operating techniques make for an unacceptable safety risk when operating within or in the vicinity of a WEA. BOEM, MMS, and USCG took the opposite tack in their review and acceptance of the CWA proposal. The repeated complaints of the fishing industry in the Sound that the CWA facility would make it unsafe for them to fish on or adjacent to the rich fishing grounds at Horseshoe Shoal were simply ignored or obfuscated.

CONCLUSION

1. The application of safe separation/buffer zones in the design of offshore WEAs and the exclusion of ocean blocks to eliminate potential conflicts with the marine navigation safety needs have been uniformly applied to all WEAs with the exception of Nantucket Sound.

2. USCG has failed to effectively apply the same marine navigation safety and environmental protection standards, guidance, and criteria it developed for OREIs in the U.S. to the CWA facility.

3. Neither a sufficient and meaningful site assessment nor an accurate and detailed vessel traffic assessment has been conducted for the CWA proposed facility.

4. A navigational risk assessment to a recognized standard has not been conducted nor have adequate and effective marine safety mitigation actions been identified for CWA.

5. The CWA facility is fatally flawed as currently designed and sited. It is incompatible with the needs of marine transportation in Nantucket Sound and is an unnecessary and unacceptable threat to the current-day and future users of Nantucket Sound's waterways.

HONORING THE DELTA SIGMA THETA CENTENNIAL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. CONYERS. Mr. Speaker, I rise today to honor the Delta Sigma Theta Sorority for their Centennial Celebration. Founded at Howard University in 1913, this international sorority has long focused on providing young women with the strength and experience to lead.

Whether in law, science, business, or education, Delta alumnae all have one thing in common: they are dedicated to serving their communities. The five points of the Delta experience are Economic Development, Educational Development, International Awareness and Involvement, Physical and Mental Health, and Political Awareness and Involvement.

The strength they gain through focused development on these points doesn't just benefit the young women who join Delta Sigma Theta. Through projects like the Delta Towers here in Washington D.C., their work with Habitat for Humanity across our nation, or their youth outreach programs—we are all better for the generosity of the Deltas we know and love.

To all the Delta sisters out there—best wishes for the next hundred years.

PERSONAL EXPLANATION

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. GRIMM. Mr. Speaker, on rollcall No. 361, I was unable to vote due to a recent medical procedure. Had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent during the week of June 24, 2013. If I were present, I would have voted on the following.

TUESDAY, JUNE 25, 2013:

Rollcall No. 287: Motion to Suspend the Rules and Pass H.R. 2383, ''yea.''

Rollcall No. 288: Motion to Suspend the Rules and Pass H.R. 1092, ''yea.''

WEDNESDAY, JUNE 26, 2013:

Rollcall No. 289: Motion on Ordering the Previous Question on the Rule for H.R. 1613, H.R. 2231, and H.R. 2410, ''nay.''

Rollcall No. 290: Motion on Agreeing to the Resolution on the Rule H.R. 1613, H.R. 2231, and H.R. 2410, ''nay.''

THURSDAY, JUNE 27, 2013:

Rollcall No. 291: Grayson of Florida Part A Amendment No. 1, as Modified, ''yea.''

Rollcall No. 292: Motion to Recommit with Instructions for H.R. 1613, ''yea.''

Rollcall No. 293: Final Passage of H.R. 1613—Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act, ''no.''

Rollcall No. 294: Motion to Suspend the Rules and Pass H.R. 1864, ''yea.''

Rollcall No. 295: Hastings of Florida Part B Amendment No. 2, ''aye.''

Rollcall No. 296: Flores of Texas Part B Amendment No. 4, ''no.''

Rollcall No. 297: Cassidy of Louisiana Part B Amendment No. 5, as Modified, ''no.''

Rollcall No. 298: Rigell of Virginia Part B Amendment No. 7, ''no.''

FRIDAY, JUNE 28, 2013:

Rollcall No. 299: DeFazio of Oregon Part B Amendment No. 8, ''aye.''

Rollcall No. 300: Broun of Georgia Part B Amendment No. 9, ''no.''

Rollcall No. 301: Grayson of Florida Part B Amendment No. 10, as Modified, ''aye.''

Rollcall No. 302: Capps of California Part B Amendment No. 11, ''aye.''

Rollcall No. 303: Motion to Recommit with Instructions for H.R. 2231, ''aye.''

Rollcall No. 304: Final Passage of H.R. 2231—Offshore Energy and Jobs Act, ''no.''

RECOGNIZING THE 25TH ANNIVERSARY OF THE TOWN OF CHAMPLAIN, NEW YORK

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. OWENS. Mr. Speaker, I rise today to recognize the 225th Anniversary of the town of Champlain, NY.

The French explorer, Samuel De Champlain, was the first European to discover and name the lake. Established in 1788, the town was formed after Pliny Moore, one of its founders, received a land grant for enlisting in the New York militia in 1781 during the American Revolution, including extensive shoreline along Lake Champlain. It was Moore who remained an essential figure in the town's early development, building the first saw mill, becoming the first county judge and merchant, and later as a prominent politician, representing Champlain in the New York Assembly.

The town of Champlain also played a vital role during the War of 1812. In 1814, Champlain was crucial in securing the nation's northern border and contributed to the American victory at the Battle of Plattsburgh, also known as the Battle of Lake Champlain.

Situated just outside of the Adirondack Park, today the town is a gateway for visitors to many popular attractions including hiking, fishing, camping and other outdoor activities. It also contains one of the most important commercial gateways on the northern border and is central in connecting Quebec, Montreal and New York City, which facilitates substantial trade between the US and Canada.

Over time, its residents have grown in population and in pride, recognizing their town's unique history to the area and their country.

I ask my colleagues to join me in congratulating the residents of Champlain reaching this milestone.

CITIZENS RAISE AWARENESS OF GENOCIDE THROUGH THE ONE MILLION BONES DEMONSTRATION

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. CONNOLLY. Mr. Speaker, earlier this month, residents from across the country participated in the One Million Bones demonstration on the National Mall to raise awareness about the acts of genocide and mass atrocities in Africa and the Middle East.

Many of the participants visited with their respective Congressional offices, and I am pleased to enter into the Congressional Record a statement on behalf of my constituents, Alison Luckett and Taylor Lane, who met with staff from my office.

We the House of Representatives resolve that:

In support of the One Million Bones efforts to raise awareness of on–going genocides and mass atrocities in the world today;

Consistent with the UN's having defined genocide as ''Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about physical destruction in whole or in part; imposing measures intended to prevent births within a group; [and] forcibly transferring children of the group to another group;''

In remembrance of the lives lost in past acts of genocide including the genocides in Nazi Germany, Rwanda, and Sudan in which:

The Holocaust was an act of genocide by Nazi Germany to eradicate Non–Aryan population during World War II in which 11 million people were killed;

The civil war in Rwanda from April 6, 1994, to July 16, 1994, in which acts of genocide were committed by extremist Hutus through the militia, the Interhamawe, and the government army against Tutsis, moderate Hutus, and the Twa in which over 1 million people were killed;

The events in Sudan from 2003 to present have involved acts of genocide by the Muslim Arab Sudanese against the Muslim black Sudanese through the Janjaweed militia and the Sudanese army in which 6 million people were killed before 2003 and since then an additional 400,000 have died.

Resolved that we—

1. view all human beings as equals no matter their nationality, ethnicity, race, or religion;

2. recognize these events as genocide and condemns them as such

3. urge all Members of Congress to condemn those responsible for the acts of genocide from occurring;

4. will continue to work with the One Million Bones project to educate all people on the horrors of genocide and to prevent any future acts of genocide from occurring

5. will take action through available means to prevent future acts of genocide from occurring.

HONORING THE AMERICAN-ITALIAN HERITAGE SOCIETY

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. TERRY. Mr. Speaker, I rise today to honor the American-Italian Heritage Society on the occasion of breaking ground on their new headquarters.

The American-Italian Heritage Society was founded in Omaha in 1980 by seven individuals in order to preserve their Italian heritage in the community. Since its founding, the organization has been dedicated to encouraging awareness of Italian traditions, including history, culture, and language, among many other aspects.

This new building serving as their headquarters will provide a permanent meeting center for members of the American-Italian Heritage Society to gather. Here they will be able to host their traditional Italian courses and many other activities for both children and adults. The society also hosts many events for members and guests, such as, the annual La Festa Italiana, which has been held for nearly thirty years. Additionally, many fundraisers have been held such as the American-Italian Heritage Society pasta dinners, which allow members of the Omaha area to embrace Italian culture.

The American-Italian Heritage Society has grown significantly since it's founding with now over 1,000 members. It hopes to continue to grow by adding a cultural museum and library to preserve Italian culture in Omaha.

Mr. Speaker, please join me in congratulating The American-Italian Heritage Society on their new building. The Omaha community and I recognize all of the advances the American-Italian Heritage Society has made to not only celebrate Italian culture and tradition but to educate the future generations as well.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $16,738,167,165,761.57. We've added $6,111,190,116,848.49 to our debt in 4 and a half years. This is $6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

IN HONOR OF DISTRICT COURT JUDGE JOSEPH BLICK

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. JONES. Mr. Speaker, I would like to take a moment to honor District Court Judge

Joseph A. Blick, Jr., a dedicated public servant and worthy recipient of the Order of the Long Leaf Pine, an honor awarded by the governor of North Carolina.

In the journey of life, it is a privilege to meet an individual like Joe Blick—a man of strong faith who always makes time for his family, church, and the local community. Joe rarely utters the word ''no,'' but instead eagerly seeks opportunities to help others. He has been a role model for the Greenville youth by volunteering to coach sports or help with the youth group at St. Peter Catholic Church. He is a man who teaches fairness and compassion in and out of the courtroom and has always led by example.

A prime example of Mr. Blick's generous nature comes in his decision to retire a year early, giving up his full retirement status in order to accept a teaching position at St. Peter's Catholic School. As always, he has chosen to follow the will of God and understands that teaching the young men and women who represent America's future is his calling.

This new position will represent a return to the classroom for Judge Blick, who taught and coached students in Moore County, North Carolina, before attending law school at Wake Forest University. After graduating, he went on to work for 16 years as an assistant district attorney before assuming the title of district court judge and presiding over the 3A judicial district for 14 years.

Joe's commitment to Pitt County has been admired by many, including myself. In recognition of his extensive record of public service, he has been honored with the Order of the Long Leaf Pine—a prestigious award presented to individuals who display a strong dedication to the state of North Carolina.

I join with Joe's wife, Mary; his two sons and daughters-in-law, Jeff and Caroline and Brian and Kristen; and his three grandchildren in congratulating him on his many achievements. During my many years of friendship with the Blick family, I had the distinct honor of nominating Brian to the naval academy, from which he graduated in May of 2012.

John Wesley once said that ''[o]ne of the principal rules of religion is to lose no occasion of serving God. And, since he is invisible to our eyes, we are to serve him in our neighbor; which he receives as if done to himself in person, standing visibly before us.''

Judge Blick has certainly exemplified this spirit of service, and I am confident that his dedication to God, his family, and his community will continue as he takes this next step in life's journey. I am grateful for Judge Blick's tireless commitment to the Greenville community and pleased to have him recognized by the United States Congress, an honor which he truly deserves.

TRIBUTE TO MR. MARK SHEPPARD, VICE PRESIDENT OF THE ALABAMA STATE PORT AUTHORITY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. BONNER. Mr. Speaker, I rise to pay tribute to the life of an influential and beloved Mobilian who played an instrumental role in the growth of the Port of Mobile and the regional economy. Mr. Mark Sheppard, Vice President for Trade and Development at the Alabama State Port Authority, recently passed away at the age of 61.

A native of Mobile and a graduate of the University of South Alabama, Mr. Sheppard enjoyed a maritime career which spanned more than 30 years, beginning with a management trainee position for United States Lines. He later worked for a number of companies along the Gulf of Mexico, including Hapag-Lloyd, Mitsui O.S.K. Lines and Nedlloyd Lines, where he managed direct sales, marketing and integrated logistics.

Mr. Sheppard joined the Alabama State Port Authority in 2005, where he led trade and carrier development for the Authority's intermodal investments. Most notably, he is credited—despite a global economic recession—with expanding both business and ocean carrier service at the authority's new container terminal between 2008 and 2010. That trend continued in 2011, when year-over-year container traffic increased by another 31 percent.

His leadership was further evident in 2012, when the Port Authority's containerized, steel and export coal volumes all posted significant growth. And growth is projected to continue with planned investments in intermodal rail, warehousing and terminal upgrades to expand capacity and market reach.

In addition to his responsibilities with the Port Authority, Mr. Sheppard also remained active in the broader maritime and international communities, serving on the Board of Directors for the Tennessee-Tombigbee Waterway Development Council and as vice chairman and chairman-elect for the Alabama Germany Partnership.

Alabama State Port Authority Director James K. Lyons reflected on the loss of Mr. Sheppard and his valuable contributions to Alabama and the Gulf Coast: ''Mark Sheppard's sudden passing comes as a deep shock to our maritime and international trade community. He was a key member of our team and a good friend.''

On behalf of the people of Alabama, I wish to extend my personal condolences to his family, including his daughter, Jessica, who is a member of my Washington, DC office staff, as well as his brother Tim Sheppard; and two sisters, Brenda Sheppard and Sonya Bell. You are all in our thoughts and prayers.

NELSON MANDELA INTERNATIONAL DAY

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Ms. JACKSON LEE. Mr. Speaker, I rise to pay tribute to President Nelson Mandela and to commemorate the 5th anniversary of ''Nelson Mandela International Day.'' On this special day, the thoughts, prayers, and wishes of all Americans, and peace loving people the world over, are with Nelson Mandela and his family.

In 2009, the United Nations dedicated this day in recognition of Nelson Mandela's commitment to humanity as a human rights lawyer, a prisoner of conscience, an international peacemaker, and as the first elected president of a free, democratic, and multiracial Republic of South Africa. Nelson Mandela dedicated his life to serving humanity in the fields of conflict resolution, race relations, the promotion and protection of human rights, reconciliation, gender equality, the rights of children and other vulnerable groups, the uplift of poor and underdeveloped communities, and the struggle for democracy internationally and the promotion of a world culture of peace.

In honoring these dreams, hopes, goals, and acts, the United Nations calls upon people everywhere to devote 67 minutes today to helping others, one minute honoring each year that Nelson Mandela devoted to us, humanity. Through our service to others, we honor the achievements and sacrifices of Nelson Mandela.

Today we honor the life and work of a man who by his courage, commitment to justice, grace in the face of unearned suffering, and capacity to forgive continues to inspire the world.

In the words of Nelson Mandela: ''For to be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others.''

Happy birthday to one of the greatest men of our time.

EGYPT

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. PITTS. Mr. Speaker, I watched with great interest the recent events in Egypt where millions took to the street in support of real democracy, real freedom, and the actual upholding and protection of fundamental human rights. Sadly, those who promote and preach violence continue to assert the dominance of their ideology and rights to the exclusion and detriment of anyone who does not agree with them.

In light of these recent events, I would like to submit for the Record a short letter from the Board of Governors of the American Chamber of Commerce in Egypt regarding Egypt and the desires of the Egyptian people.

The business community, the human rights and democracy activists, and even Egyptian government officials are asking for our support for democracy and freedom.

In light of these recent events, it is vital to note that due to the complete absence of an impeachment process and a working parliament, there was no established mechanism for a transition of power—the only course of action available and possible to the people was ''popular impeachment.''

It is critical that the Egyptian people know that we stand with them in this time of transition as they seek, once again, to draft a Constitution that protects and upholds the rights of all Egyptians and maintains international norms and standards, and as they seek to build and strengthen institutions and processes of democracy, transparency, and freedom.

I urge the Congress to respond to recent events in Egypt by supporting and working with those in the country who desire to protect and uphold fundamental human rights and to

build and strength democracy and freedom for all Egyptians.

AMERICAN CHAMBER
OF COMMERCE IN EGYPT,
July 7, 2013.

As Americans celebrated their Independence Day and reminded the world of the values of democracy based on the principles of inclusiveness, respect for the rights of minorities and equality for all, millions of Egyptians went to the streets, throughout the country, to demand their own democracy and the right to a better life and a better Egypt.

The historic developments that began June 30 included widespread demonstrations across Egypt's governorates involving more than 25 million Egyptians. The protests vastly exceeded the numbers that ignited the January 25th Revolution in 2011, and is believed to have been the largest peaceful demonstration in world history. This citizen-led ''coup for democracy'' was a genuine reflection of the fact that the peoples' desire for real democratic change remained unfulfilled.

The popular demonstrations, according to many Egyptians, stemmed from flagrant violations of democratic principles, starting with then President Mohamed Morsi's constitutional declaration in November 2012, in which he effectively declared himself above the law. Egypt's first democratically-elected president, whom we genuinely hoped would be a president for all Egyptians, wantonly expanded his powers and focused on implementing an ideological agenda rather than addressing the serious economic crisis facing the country. He deliberately blocked the creation of a constitution that guaranteed checks and balances and provided equality for all. The president's refusal to compromise and his gross mismanagement of government affairs jeopardized the stability of the region's most populous nation and directly affected its crucial strategic role.

It is important to note that it was not economic failures that precipitated the demonstrations of June 30, but rather, the vast majority of demonstrators saw a blatant attempt by the government to reshape Egypt's complex, multi-variant, pluralistic culture by dismantling the judiciary, suppressing the independent media, repressing freedom of speech and dissent and refusing to recognize the rights of minorities and women. The Egyptian people demanded these rights and values following the January 25 revolution, but they were dismissed and ignored by the government that came to power.

The American Chamber of Commerce in Egypt is the leading business association in Egypt and the Middle East with over 1,800 members. For over 35 years, we have promoted business relations between the United States and Egypt, during which time we have built a strong network of business leaders, Members of Congress and their staffs, executive branch officials, and other decision and policy makers in Egypt and the United States. Today, AmCham is communicating a message to its network of friends and business partners.

All of AmCham's members share a commitment to a strong U.S.-Egypt relationship at all levels and an Egyptian economy based on a free market, opportunities for youth, job creation, better education, entrepreneurship and active participation in the global economy. At this critical juncture, we believe that Egypt's relationship with the United States is critical to the long-term success of Egypt's revolutionary process and beyond. We therefore believe it is imperative that the United States:

acknowledge that June 30 was a ''people's revolution'' and nothing else;

support the transitional plan for new, free, transparent multi-party elections;

provide leadership in the international community to mobilize the economic assistance that Egypt requires in the short-term to stabilize its economy;

initiate a sustained high-level economic dialogue with Egypt designed to create the conditions for long term, private-sector led growth;

encourage U.S. businesses to invest in Egypt.

A strong, stable, moderate and truly democratic Egypt is in the best interest of both countries, and those interests would be adversely affected if current U.S. policymakers elect to disengage from Egypt and its people in their quest for true democracy or reduce current levels of support for the Egyptian military. Over the past two years, many of the largest U.S. multinationals who are active members of AmCham (including many Fortune 500 companies) have remained engaged in and committed to Egypt. They are bullish on Egypt's future and its future prospects. They are confident that the Egyptian people will settle for nothing less than a real democracy and an economy that offers opportunity for all.

In that spirit, and during this difficult period in Egypt's history, AmCham appreciates the support you have offered Egypt over many years and looks forward to stronger business ties between Egypt and the United States that are based on mutual respect and understanding. Most importantly, we appreciate your continuous and invaluable support to Egypt and the Egyptian people.

Sincerely,

BOARD OF GOVERNORS,
The American Chamber
of Commerce in Egypt.

HONORING MAX DORIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Max Doria of Vallejo, California.

Mr. Doria has been a dedicated community volunteer for two decades. For the last 16 years, he has served as the Vice President of the Filipino Community of Solano County, Inc. (FCSC). The FCSC is one of the oldest Filipino organizations in Vallejo, and provides numerous services to its members and the community-at-large. He was also the past president of Sekder Day Pangasinan, another important local Filipino organization serving former residents of that Philippine Province.

Mr. Doria is a veteran who faithfully served our country in the United States Navy. After his retirement, he continued to work with other Navy and military retirees as a board member of the Filipino American Retired U.S. Armed Forces Association (FARASUFU).

Together with his son Mel, Mr. Doria operated Doria Protective Services. He often donated his time and resources to provide security for community events. Doria Protective Services is the official security company for the very popular Pista sa Nayon Filipino Festival on the Vallejo Waterfront each June. He and his staff were responsible for the safety of over 30,000 festival attendees.

Mr. Doria is the building manager for the new Filipino Community Center in Vallejo, which just celebrated its grand opening last May. He is married to Dolly Doria. They have one son Mel, and three grandchildren, Andy, Alexis and Alex.

Mr. Speaker, it is an honor to rise and celebrate the accomplishments of Max Doria and to offer him and his family our appreciation for his many years of community service.

Daily Digest

HIGHLIGHTS

Senate confirmed the nomination of Thomas Edward Perez, of Maryland, to be Secretary of Labor.

Senate confirmed the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency.

Senate

Chamber Action

Routine Proceedings, pages S5759–S5806

Measures Introduced: Nineteen bills and one resolution were introduced, as follows: S. 1318–1336, and S. Res. 198. **Pages S5799–S5800**

Measures Reported:

H.R. 2217, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2014, with an amendment in the nature of a substitute. (S. Rept. No. 113–77)

S. 1329, making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2014. (S. Rept. No. 113–78) **Page S5799**

Measures Passed:

Farm Bill: Senate passed H.R. 2642, to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 954, Senate companion measure, as amended. **Pages S5794–95**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair be authorized to appoint conferees with a ratio of 7:5 on the part of the Senate. **Page S5794**

Measures Considered:

Transportation, Housing and Urban Development, and Related Agencies Appropriations Act—Cloture: Senate began consideration of the motion to proceed to consideration of S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014. **Pages S5759–61, S5787–94, S5795**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, July 18, 2013, a vote on cloture will occur at 12:00 p.m. on Tuesday, July 23, 2013; that if cloture is invoked, all post-cloture time be yielded back and Senate vote on the motion to proceed; that if the motion to proceed to consideration of the bill is adopted, the text of H.R. 2610, as reported by the House Appropriations Committee, be deemed House passed text for the purposes of Rule XVI. **Page S5795**

Nominations Confirmed: Senate confirmed the following nominations:

By 54 yeas to 46 nays (Vote No. EX. 178), Thomas Edward Perez, of Maryland, to be Secretary of Labor. **Pages S5767–76, S5806**

By 59 yeas to 40 nays (Vote No. EX. 180), Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency. **Pages S5776–87, S5806**

During consideration of this nomination today, Senate also took the following action:

By 69 yeas to 31 nays (Vote No. 179), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the nomination. **Page S5785**

Nominations Received: Senate received the following nominations:

Adam M. Scheinman, of Virginia, to be Special Representative of the President for Nuclear Nonproliferation, with the rank of Ambassador.

Jessica Garfola Wright, of Pennsylvania, to be Under Secretary of Defense for Personnel and Readiness.

Elizabeth M. Robinson, of Washington, to be Under Secretary of Energy.

Frank A. Rose, of Massachusetts, to be an Assistant Secretary of State (Verification and Compliance).

Carolyn Hessler Radelet, of Virginia, to be Director of the Peace Corps.

Nisha Desai Biswal, of the District of Columbia, to be Assistant Secretary of State for South Asian Affairs.

Timothy M. Broas, of Maryland, to be Ambassador to the Kingdom of the Netherlands.

Scott S. Dahl, of Virginia, to be Inspector General, Department of Labor.

Julia Frifield, of New Jersey, to be an Assistant Secretary of State (Legislative Affairs).

Martha L. Minow, of Massachusetts, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2014.

Joseph Pius Pietrzyk, of Ohio, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2014. **Page S5806**

Measures Placed on the Calendar: **Pages S5759, S5798, S5806**

Executive Communications: **Pages S5798–99**

Executive Reports of Committees: **Page S5799**

Additional Cosponsors: **Pages S5800–01**

Statements on Introduced Bills/Resolutions: **Pages S5801–04**

Additional Statements: **Pages S5797–98**

Notices of Hearings/Meetings: **Pages S5804–05**

Authorities for Committees to Meet: **Pages S5805–06**

Record Votes: Three record votes were taken today. (Total—180) **Pages S5775–76, S5785, S5787**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 6:45 p.m., until 12:15 p.m. on Friday, July 19, 2013. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S5806.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Appropriations: Committee ordered favorably reported the following business items:

An original bill (S. 1329) making appropriations for Departments of Commerce, Justice, Science, and Related Agencies for the fiscal year ending September 30, 2014; and

An original bill (H.R. 2217) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2014.

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of General Martin E. Dempsey, USA, for reappointment to the grade of general and reappointment as Chairman of the Joint Chiefs of Staff, and Admiral James A. Winnefeld, Jr., USN, for reappointment to the grade of admiral and reappointment as Vice Chairman of the Joint Chiefs of Staff, both of the Department of Defense, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Melvin L. Watt, of North Carolina, to be Director of the Federal Housing Finance Agency, Jason Furman, of New York, to be a Member and Chairman of the Council of Economic Advisers, Kara Marlene Stein, of Maryland, Michael Sean Piwowar, of Virginia, and Mary Jo White, of New York, all to be a Member of the Securities and Exchange Commission, and Richard T. Metsger, of Oregon, to be a Member of the National Credit Union Administration Board.

SEMIANNUAL MONETARY POLICY REPORT TO CONGRESS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the Semiannual Monetary Policy Report to Congress, after receiving testimony from Ben S. Bernanke, Chairman, Board of Governors of the Federal Reserve System.

CLEAN ENERGY FINANCE

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the current state of clean energy finance in the United States and opportunities to facilitate greater investment in domestic clean energy technology development and deployment, after receiving testimony from Peter Davidson, Executive Director, Loan Programs Office, Department of Energy; Richard L. Kauffman, New York State Chairman of Energy and Finance, Albany; Ethan Zindler, Bloomberg New Energy Finance, and Nicolas Loris, The Heritage Foundation, both of Washington, D.C.; and Will Coleman, OnRamp Capital, San Francisco, California.

CLIMATE CHANGE

Committee on Environment and Public Works: Committee concluded a hearing to examine climate change, after receiving testimony from Heidi Cullen, Climate Central, Princeton, New Jersey; Franklin W. Nutter, Reinsurance Association of America, Diana Furchtgott-Roth, Manhattan Institute for Policy Research, and Robert P. Murphy, Institute for Energy Research, all of Washington, D.C.; KC Golden, Climate Solutions, Seattle, Washington; Jennifer Francis, Rutgers University Institute of Marine and Coastal Sciences, Marion, Massachusetts; Scott C. Doney, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts; Margaret Leinen, Florida Atlantic University Harbor Branch Oceanographic Institute, Fort Pierce; Roger Pielke, Jr., University of Colorado, Boulder; and Roy W. Spencer, University of Alabama in Huntsville Earth System Science Center.

NOMINATIONS

Committee on Finance: Committee concluded a hearing to examine the nominations of Michael B. Thornton, of Virginia, and Joseph W. Nega, of Illinois, both to be a Judge of the United States Tax Court, and F. Scott Kieff, of Illinois, to be a Member of the United States International Trade Commission, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of Todd M. Hughes, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit, Colin Stirling Bruce, to be United States District Judge for the Central District of Illinois, Sara Lee Ellis, and Andrea R. Wood, both to be a United States District Judge for the Northern District of Illinois, Madeline Hughes Haikala, to be United States District Judge for the Northern District of Alabama, and James B. Comey, Jr., of Connecticut, to be Director of the Federal Bureau of Investigation, Department of Justice.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 27 public bills, H.R. 2719–2745; and 2 resolutions, H. Res. 305–306 were introduced. **Pages H4723–25**

Additional Cosponsors: **Pages H4726–27**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative LaMalfa to act as Speaker pro tempore for today. **Page H4601**

Recess: The House recessed at 10:35 a.m. and reconvened at 12 noon. **Page H4605**

Chaplain: The prayer was offered by the guest chaplain, Chaplain Major Howard Bell, 932nd Airlift Wing, Scott Air Force Base, Illinois. **Page H4605**

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 278 yeas to 143 nays with 1 answering "present", Roll No. 366. **Pages H4605, H4619**

Student Success Act: The House began consideration of H.R. 5, to support State and local accountability for public education, protect State and local authority, and inform parents of the performance of their children's schools. Consideration is expected to resume tomorrow, July 19th. **Pages H4610–19, H4619–H4722**

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–18 shall be considered as an original bill for the purpose of amendment under the five-minute rule, in lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. **Page H4629**

Agreed to:

Kline manager's amendment (No. 1 printed in H. Rept. 113–158) that clarifies that a state opting not to receive funds for a program under the Act shall not be required to carry out any of the requirements of such program and that states and school districts can support civics education efforts, and makes other technical improvements; **Pages H4679–80**

Jackson Lee amendment (No. 5 printed in H. Rept. 113–158) that states that if funding for awards to states is not sufficient then funding will be targeted to schools serving neglected, delinquent,

migrant students, English learners, at-risk students, and Native Americans, to increase academic achievements of such students; **Pages H4696–97**

Bentivolio amendment (No. 6 printed in H. Rept. 113–158) that requires State educational agencies to consult with private sector employers and entrepreneurs as part of its education plan. It also requires the Secretary to have representatives from private sector employers appointed to the peer-review process by reducing practitioners from 75 percent to 65 percent; **Pages H4697–98**

Reed amendment (No. 8 printed in H. Rept. 113–158) that clarifies that LEA's and SEA's are able to use multiple measures when identifying academic performance measurements instead of the current one-size-fits-all testing assessments; **Pages H4705–06**

Benishek amendment (No. 9 printed in H. Rept. 113–158) that encourages states to include the number of students attaining career and technical education proficiencies enrolled in public secondary schools, in its annual State report card. This information is already required to be collected by the Perkins Act, and would simply streamline access to information to the public; **Page H4706**

Heck (NV) amendment (No. 10 printed in H. Rept. 113–158) that provides LEAs with the option of entering into partnerships or contracts with other entities to implement programs that serve youth in, or transitioning out of, institutions and correctional facilities, and youth at-risk of dropping out of school. This will provide LEAs with the option to partner with organizations that have the existing experience and resources to enhance the effectiveness of services provided by school districts to vulnerable populations through the Neglected/Delinquent program in an integrated fashion; **Pages H4706–07**

Moore amendment (No. 13 printed in H. Rept. 113–158) that delays implementation of new Title II formula until the Secretary of Education determines that the implementation will not reduce funding for schools serving high percentages of students in poverty; **Pages H4710–11**

Bishop (UT) amendment (No. 14 printed in H. Rept. 113–158) that eliminates Subsection C of Section 2111, which allows grant money to bypass states and go directly from the Department of Education to local districts; **Pages H4711–12**

Scalise amendment (No. 12 printed in H. Rept. 113–158) that states that under Title II in H.R. 5 there would be no federal mandate for States to conduct teacher evaluations (agreed by unanimous consent to vacate the request for a recorded vote on the Scalise amendment to the end that the Chair put the question de novo); **Pages H4708–10, H4712**

Young (AK) amendment (No. 2 printed in H. Rept. 113–158) that restores, and makes policy improvements to, educational support programs for American Indian, Alaska Native, and Native Hawaiian students which are currently authorized under Title VII of the Elementary and Secondary Education Act and would be diminished by H.R. 5, the Student Success Act (by a recorded vote of 263 ayes to 161 noes, Roll No. 367); **Pages H4712–13**

Luetkemeyer amendment (No. 4 printed in H. Rept. 113–158) that expresses the sense of the Congress that States and local education agencies should maintain the rights and responsibilities of determining curriculum and assessments for elementary and secondary education (by a recorded vote of 241 ayes to 182 noes, Roll No. 368); **Pages H4694–96, H4713–14**

Meehan amendment (No. 11 printed in H. Rept. 113–158) that ensures that greater authority and governance are restored to local educational agencies as delegated by their States. It also ensures that the Secretary of Education does not impose any additional requirements or burdens on local educational agencies unless explicitly authorized by federal law (by a recorded vote of 239 ayes to 187 noes, Roll No. 369); **Pages H4707–08, H4714**

Brooks (IN) amendment (No. 16 printed in H. Rept. 113–158) that clarifies that federal funds may be used for computer science education; **Pages H4715–16**

Polis amendment (No. 17 printed in H. Rept. 113–158) that allows charter schools to use grant funds for teacher preparation, professional development, and improving school conditions; ensures that charter schools expand outreach to low-income and underserved populations; **Pages H4716–17**

Velázquez amendment (No. 18 printed in H. Rept. 113–158) that requires that applicants consider how to target their services to low-income students and parents, including low-income students and parents who are not proficient in English; and **Pages H4717–18**

Broun (GA) amendment (No. 21 printed in H. Rept. 113–158) that requires the Secretary of Education to include in their report to Congress the average salary of employees who were determined to be associated with eliminated or consolidated programs or projects by the underlying legislation and a report on the average salaries of the employees of the Department according to their job function. **Pages H4720–22**

Withdrawn:

Cárdenas amendment (No. 3 printed in H. Rept. 113–158) that was offered and subsequently withdrawn that would have increased the authorized funding level to $775,000,000 until FY 2019;

Pages H4693–94

McMorris Rodgers amendment (No. 7 printed in H. Rept. 113–158) that was offered and subsequently withdrawn that would have reinstated the 1 percent cap as it relates to students with the most significant cognizant disabilities participating in the alternate assessments; ensure alternate assessments are tied to academic content standards for grade in which student enrolled; and ensure parents are involved in the development of assessments as it relates to the student's individualized education program; **Pages H4698–H4705**

Tonko amendment (No. 15 printed in H. Rept. 113–158) that was offered and subsequently withdrawn that would have reserved 10% of existing grant funding under the Teacher and Principal Training and Recruiting Fund for competitive subgrants that would allow organizations with STEM expertise to provide STEM professional development and instructional materials throughout the state for elementary and secondary education; **Pages H4714–15**

Mullin amendment (No. 19 printed in H. Rept. 113–158) that was offered and subsequently withdrawn that would have struck language in the bill that allows consolidated districts to be eligible for payment if they do not qualify after consolidation; struck language allowing for mid-year adjustment for student counts; and made the 8007 Construction Program a competitive grant program; and

Pages H4718–20

Garrett amendment (No. 20 printed in H. Rept. 113–158) that was offered and subsequently withdrawn that would have clarified that states that opt out of receiving funds, or are not awarded funds, under this Act are not required to carry out any of the requirements of the programs under this Act. The amendment also clarified that states are not required to participate in any program under this Act.

Page H4720

H. Res. 303, the rule providing for consideration of the bill, was agreed to by a recorded vote of 230 ayes to 190 noes, Roll No. 365, after the previous question was ordered by a yea-and-nay vote of 232 yeas to 192 nays, Roll No. 364. **Pages H4610–19**

Mexico-United States Interparliamentary Group—Appointment: The Chair announced the Speaker's appointment of the following Members on the part of the House to the Mexico-United States Interparliamentary Group: Representative McCaul, Chairman and Representative Duffy. **Page H4722**

Canada-United States Interparliamentary Group—Appointment: The Chair announced the Speaker's appointment of the following Members on the part of the House to the Canada-United States Interparliamentary Group: Representative Huizenga, Chairman and Representative Miller (MI). **Page H4722**

Quorum Calls—Votes: Two yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H4618, H4618–19, H4619, H4712–13, H4713–14, H4714. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:09 p.m.

Committee Meetings

MISCELLANEOUS MEASURE

Committee on Appropriations: Full Committee held a markup on the Legislative Branch Appropriations Bill for FY 2014. The bill was ordered reported, as amended.

REPORTING DATA BREACHES: IS FEDERAL LEGISLATION NEEDED TO PROTECT CONSUMERS?

Committee on Energy and Commerce: Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled ''Reporting Data Breaches: Is Federal Legislation Needed to Protect Consumers?''. Testimony was heard from public witnesses.

PATIENT PROTECTION AND AFFORDABLE CARE ACT: IMPLEMENTATION IN THE WAKE OF ADMINISTRATIVE DELAY

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''Patient Protection and Affordable Care Act: Implementation in the Wake of Administrative Delay''. Testimony was heard from J. Mary Iwry, Senior Advisor to the Secretary, Deputy Assistant Secretary for Retirement and Health Policy, Department of Treasury.

A LEGISLATIVE PROPOSAL TO PROTECT AMERICAN TAXPAYERS AND HOMEOWNERS BY CREATING A SUSTAINABLE HOUSING FINANCE SYSTEM

Committee on Financial Services: Full Committee held a hearing entitled ''A Legislative Proposal to Protect American Taxpayers and Homeowners by Creating a Sustainable Housing Finance System.'' Testimony was heard from public witnesses.

GLOBAL AL-QAEDA: AFFILIATES, OBJECTIVES, AND FUTURE CHALLENGES

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation, and Trade held a hearing

entitled "Global al-Qaeda: Affiliates, Objectives, and Future Challenges." Testimony was heard from public witnesses.

AFRICAN RESOURCE CURSE

Committee on Foreign Affairs: Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations held a hearing entitled "Is There an African Resource Curse?." Testimony was heard from public witnesses.

OVERSIGHT OF EXECUTIVE ORDER 13636 AND DEVELOPMENT OF THE CYBERSECURITY FRAMEWORK

Committee on Homeland Security: Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies held a hearing entitled "Oversight of Executive Order 13636 and Development of the Cybersecurity Framework". Testimony was heard from Robert Kolasky, Director, Implementation Task Force, National Protection and Programs Directorate, Department of Homeland Security; Charles H. Romine, Director, Information Technology Laboratory, National Institute of Standards and Technology, Department of Commerce; and Eric A. Fischer, Senior Specialist, Science and Technology, Congressional Research Service, Library of Congress.

VOTING RIGHTS ACT AFTER THE SUPREME COURT'S DECISION IN SHELBY COUNTY

Committee on the Judiciary: Subcommittee on the Constitution and Civil Justice held a hearing entitled "The Voting Rights Act after the Supreme Court's Decision in Shelby County". Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Regulatory Reform, Commercial and Antitrust Law held a markup on H.R. 2122, the "Regulatory Accountability Act of 2013"; and H.R. 2641, the "Responsibly and Professionally Invigorating Development Act of 2013". The following bills were forwarded, without amendment: H.R. 2122; and H.R. 2641.

THE IRS'S SYSTEMATIC DELAY AND SCRUTINY OF TEA PARTY APPLICATIONS

Committee on Oversight and Government Reform: Full Committee held a hearing entitled "The IRS's Systematic Delay and Scrutiny of Tea Party Applications". Testimony was heard from Elizabeth Hofacre, Revenue Agent, Exempt Organizations, Tax Exempt and Government Entities Division, Internal Revenue Service; J. Russell George, Inspector General, Treasury Inspector for Tax Administration; Michael McCarthy, Chief Counsel, Treasury Inspector General for Tax Administration; and Gregory Kutz, Assistant Inspector General for Management Services and Exempt Organizations, Treasury Inspector General for Tax Administration.

REGULATORY BURDENS: THE IMPACT OF DODD-FRANK ON COMMUNITY BANKING

Committee on Oversight and Government Reform: Subcommittee on Economic Growth, Job Creation and Regulatory Affairs held a hearing entitled "Regulatory Burdens: The Impact of Dodd-Frank on Community Banking". Testimony was heard from public witnesses.

EXAMINING THE OBAMA ADMINISTRATION'S SOCIAL COST OF CARBON ESTIMATES

Committee on Oversight and Government Reform: Subcommittee on Energy Policy, Health Care and Entitlements held a hearing entitled "Examining the Obama Administration's Social Cost of Carbon Estimates". Testimony was heard from Howard Shelanski, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.

MISCELLANEOUS MEASURE

Committee on Science, Space, and Technology: Full Committee held a markup on H.R. 2687, the "National Aeronautics and Space Administration Authorization Act of 2013." The bill was ordered reported, as amended.

PRESIDENT'S CLIMATE ACTION PLAN: WHAT IS THE IMPACT ON SMALL BUSINESSES?

Committee on Small Business: Subcommittee on Agriculture, Energy and Trade held a hearing entitled "The President's Climate Action Plan: What Is the Impact on Small Businesses?" Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Full Committee held a markup on H.R. 185, to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the "Paul Brown United States Courthouse"; H.R. 579, to designate the United States courthouse located at 501 East Court Street in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse"; H.R. 2251, to designate the United States courthouse located at 118 South Mill Street, in Fergus Falls, Minnesota, as the "Edward J. Devitt United States Courthouse"; H.R. 1961, to amend title 46, United States Code, to extend the exemption from the fire-retardant materials construction requirement for vessels operating

within the Boundary Line; H.R. 2352, to amend title 23, United States Code, with respect to the operation of vehicles on certain Wisconsin highways, and for other purposes; and other matters cleared for consideration. The following bill was ordered reported, as amended: H.R. 2251. The following bills were ordered reported, without amendment: H.R. 185; H.R. 579; H.R. 2353; and H.R. 1961.

MISCELLANEOUS MEASURES

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a markup on H.R. 2210, the "Marine Gunnery Sergeant John David Fry Scholarship Improvements Act of 2013"; H.R. 2327, the "Veterans Economic Opportunity Administration Act of 2013"; H.R. 331, to direct the Secretary of Veterans Affairs to permit the centralized reporting of veteran enrollment by certain groups, districts, and consortiums of educational institutions; H.R. 1357, to amend the VOW to Hire Heroes Act of 2011 to improve the Veterans Retraining Assistance Program by providing assistance under such program for certain training programs that are considered less than full-time; H.R. 1842, the "Military Family Home Protection Act"; H.R. 2011, the Veterans' Advisory Committee on Education Improvement Act of 2013; H.R. 2150, the "Homeless Veterans' Reintegration Programs Reauthorization Act of 2013"; and H.R. 2481, the "Veterans G.I. Bill Enrollment Clarification Act of 2013." The following bills were forwarded en bloc: H.R. 331; H.R. 1357; H.R. 1842; H.R. 2011; H.R. 2150; and H.R. 2481. The following bills were forwarded, as amended: H.R. 2210; and H.R. 2327.

PRESIDENT OBAMA'S TRADE POLICY AGENDA

Committee on Ways and Means: Full Committee held a hearing on President Obama's trade policy agenda with U.S. Trade Representative Michael Froman. Testimony was heard from Michael Froman, Ambassador, United States Trade Representative, Office of the United States Trade Representative.

BUSINESS MEETING

House Permanent Select Committee on Intelligence: Full Committee held a business meeting on Member Access Requests. This was a closed hearing.

ONGOING INTELLIGENCE ACTIVITIES

House Permanent Select Committee on Intelligence: Full Committee held a hearing entitled "Ongoing Intelligence Activities." This was a closed hearing.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, JULY 19, 2013

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Appropriations, Subcommittee on State, Foreign Operations, and Related Programs, markup of State, Foreign Operations Appropriations Bill for FY 2014, 9 a.m., H–140 Capitol.

Committee on the Judiciary, Over-criminalization Task Force, hearing entitled "Mens Rea: The Need for a Meaningful Intent Requirement in Federal Criminal Law", 9 a.m., 2237 Rayburn.

Committee on Natural Resources, Subcommittee on Public Lands and Environmental Regulation, hearing on the following: H.R. 587, the "Niblack and Bokan Mountain Mining Area Roads Authorization Act"; H.R. 1168, to direct the Secretary of the Interior, acting through the Bureau of Land Management, to convey to the City of Carlin, Nevada, in exchange for consideration, all right, title, and interest of the United States, to any Federal land within that city that is under the jurisdiction of that agency, and for other purposes; H.R. 1170, to direct the Secretary of the Interior, acting through the Bureau of Land Management and the Bureau of Reclamation, to convey, by quitclaim deed, to the City of Fernley, Nevada, all right, title, and interest of the United States, to any Federal land within that city that is under the jurisdiction of either of those agencies; H.R. 1684, the "Ranch A Consolidation and Management Improvement Act"; H.R. 2068, the "Federal Land Transaction Facilitation Act Reauthorization of 2013"; H.R. 2095, the "Land Disposal Transparency and Efficiency Act"; H.R. 2337, "Lake Hill Administrative Site Affordable Housing Act"; H.R. 2395, to provide for donor contribution acknowledgments to be displayed at projects authorized under the Commemorative Works Act, and for other purposes; S. 130, the "Powell Shooting Range Land Conveyance Act"; S. 304, the "Natchez Trace Parkway Land Conveyance Act of 2013"; and S. 459, the "Minuteman Missile National Historic Site Boundary Modification Act", 9 a.m., 1324 Longworth.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on Safety for Survivors: Care and Treatment for Military Sexual Trauma, 10 a.m., 334 Cannon.

House Permanent Select Committee on Intelligence, Full Committee, hearing entitled "Ongoing Intelligence Activities", 10 a.m., HVC–304. This is a closed hearing.

Next Meeting of the **SENATE**

12:15 p.m., Friday, July 19

Senate Chamber

Program for Friday: Senate will meet in a pro forma session.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Friday, July 19

House Chamber

Program for Friday: Complete consideration of H.R. 5—Student Success Act.

Extensions of Remarks, as inserted in this issue

HOUSE

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