

bill S. 1177, supra; which was ordered to lie on the table.

SA 2137. Mr. PORTMAN (for himself and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2138. Ms. KLOBUCHAR (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2139. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra.

SA 2140. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2141. Mr. BENNET (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2142. Mr. BLUMENTHAL (for himself, Mr. MURPHY, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2143. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2144. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2145. Ms. AYOTTE (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2146. Mr. COTTON (for himself, Mr. SESSIONS, and Mr. CRUZ) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2147. Mr. PORTMAN (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2148. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2149. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2150. Mrs. FEINSTEIN (for herself, Mr. CORNYN, and Mr. GARDNER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2151. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2152. Mr. CASEY (for himself, Mrs. MURRAY, Ms. HIRONO, Mr. DURBIN, Mr. MUR-

PHY, Mr. HEINRICH, Ms. BALDWIN, Mr. UDALL, Mr. SCHATZ, Ms. MIKULSKI, Mr. FRANKEN, Mr. MARKEY, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. WYDEN, Mr. COONS, Ms. WARREN, Ms. CANTWELL, Mr. SCHUMER, Mrs. SHAHEEN, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2153. Mr. REID (for Mr. KING (for himself and Mrs. CAPITO)) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2154. Mr. REID (for Mr. KING (for himself and Mrs. CAPITO)) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2155. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2156. Mrs. CAPITO (for herself and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2157. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2158. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2159. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2160. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2161. Mr. KIRK (for himself, Mr. REED, Ms. BALDWIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2162. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2163. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2164. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2165. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2166. Mr. BROWN (for himself, Mr. CASEY, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for

himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2167. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2168. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2169. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2170. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2171. Ms. HEITKAMP submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2172. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2173. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2174. Ms. HEITKAMP (for herself, Mr. THUNE, Ms. STABENOW, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2175. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2176. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2177. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2122.** Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

#### SEC. 1020. EARLY PELL PROMISE ACT.

(a) **SHORT TITLE.**—This section may be cited as the “Early Pell Promise Act”.

(b) **EARLY FEDERAL PELL GRANT COMMITMENT PROGRAM.**—Subpart 1 of part A of title IV of the Higher Education Act of 1965 (20

U.S.C. 1070a et seq.) is amended by adding at the end the following:

**“SEC. 401B. EARLY FEDERAL PELL GRANT COMMITMENT PROGRAM.**

“(a) PROGRAM AUTHORITY.—The Secretary is authorized to carry out an Early Federal Pell Grant Commitment Program (referred to in this section as the ‘Program’) under which the Secretary shall—

“(1) award grants to State educational agencies to pay the administrative expenses incurred in participating in the Program; and

“(2) make a commitment to award Federal Pell Grants to eligible students in accordance with this section.

“(b) PROGRAM REQUIREMENTS.—The Program shall meet the following requirements:

“(1) ELIGIBLE STUDENTS.—

“(A) IN GENERAL.—A student shall be eligible to receive a commitment from the Secretary to receive a Federal Pell Grant early in the student’s academic career if the student—

“(i) is in 8th grade; and

“(ii) is eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(2) FEDERAL PELL GRANT COMMITMENT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), each eligible student who participates in the Program shall receive a commitment from the Secretary to receive a Federal Pell Grant during the first 2 academic years that the student is in attendance at an institution of higher education as an undergraduate student, if the student—

“(i) applies for Federal financial aid (via the FAFSA) during the student’s senior year of secondary school and during the succeeding academic year; and

“(ii) enrolls at such institution of higher education—

“(I) not later than 3 years after such student receives a secondary school diploma or its recognized equivalent; or

“(II) if such student becomes a member of the Armed Forces, not later than 3 years after such student is discharged, separated, or released from the Armed Forces.

“(B) EXCEPTION TO COMMITMENT.—If an eligible student receives a commitment from the Secretary to receive a Federal Pell Grant during the first 2 academic years that the student is in attendance at an institution of higher education as an undergraduate student and the student applies for Federal financial aid (via the FAFSA) during the student’s senior year of secondary school or during the succeeding academic year, and the expected family contribution of the student for either of such years is more than 2 times the threshold amount for Federal Pell Grant eligibility for such year, then such student shall not receive a Federal Pell Grant under this section for the succeeding academic year. Such student shall continue to be eligible for any other Federal student financial aid for which the student is otherwise eligible.

“(3) APPLICABILITY OF FEDERAL PELL GRANT REQUIREMENTS.—The requirements of section 401 shall apply to Federal Pell Grants awarded pursuant to this section, except that with respect to each eligible student who participates in the Program and is not subject the exception under paragraph (2)(B), the amount of each such eligible student’s Federal Pell Grant only shall be calculated by deeming such student to have an expected family contribution equal to zero.

“(c) STATE EDUCATIONAL AGENCY APPLICATIONS.—

“(1) IN GENERAL.—Each State educational agency desiring to participate in the Program shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

“(2) CONTENTS.—Each application shall include—

“(A) a description of the proposed targeted information campaign for the Program and a copy of the plan described in subsection (e)(2);

“(B) an assurance that the State educational agency will fully cooperate with the ongoing evaluation of the Program; and

“(C) such other information as the Secretary may require.

“(d) EVALUATION.—

“(1) IN GENERAL.—From amounts appropriated under subsection (f) for a fiscal year, the Secretary shall reserve not more than \$1,000,000 to award a grant or contract to an organization outside the Department for an independent evaluation of the impact of the Program.

“(2) COMPETITIVE BASIS.—The grant or contract shall be awarded on a competitive basis.

“(3) MATTERS EVALUATED.—The evaluation described in this subsection shall consider metrics established by the Secretary that emphasize college access and success, encouraging low-income students to pursue higher education, and the cost effectiveness of the program.

“(4) DISSEMINATION.—The findings of the evaluation shall be widely disseminated to the public by the organization conducting the evaluation as well as by the Secretary.

“(e) TARGETED INFORMATION CAMPAIGN.—

“(1) IN GENERAL.—Each State educational agency receiving a grant under this section shall, in cooperation with the participating local educational agencies within the State and the Secretary, develop a targeted information campaign for the Program.

“(2) PLAN.—Each State educational agency receiving a grant under this section shall include in the application submitted under subsection (c) a written plan for their proposed targeted information campaign. The plan shall include the following:

“(A) OUTREACH.—Outreach to students and their families, at a minimum, at the beginning and end of each academic year.

“(B) DISTRIBUTION.—How the State educational agency plans to provide the outreach described in subparagraph (A) and to provide the information described in subparagraph (C).

“(C) INFORMATION.—The annual provision by the State educational agency to all students and families participating in the Program of information regarding—

“(i) the estimated statewide average higher education institution cost data for each academic year, which cost data shall be disaggregated by—

“(I) type of institution, including—

“(aa) 2-year public colleges;

“(bb) 4-year public colleges;

“(cc) 4-year private colleges; and

“(dd) private, for-profit colleges;

“(II) component, including—

“(aa) tuition and fees; and

“(bb) room and board;

“(ii) Federal Pell Grants, including—

“(I) the maximum Federal Pell Grant for each academic year;

“(II) when and how to apply for a Federal Pell Grant; and

“(III) what the application process for a Federal Pell Grant requires;

“(iii) State-specific college savings programs;

“(iv) State-based financial aid, including State-based merit aid; and

“(v) Federal financial aid available to students, including eligibility criteria for the Federal financial aid and an explanation of the Federal financial aid programs.

“(3) ANNUAL INFORMATION.—The information described in paragraph (2)(C) shall be provided to eligible students annually for the

duration of the students’ participation in the Program.

“(4) RESERVATION.—Each State educational agency receiving a grant under this section shall reserve \$200,000 of the grant funds received each fiscal year to carry out the targeted information campaign described in this subsection.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.”.

**SA 2123.** Mr. UDALL (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

After section 9102, insert the following:

**SEC. \_\_\_\_\_ RESERVATIONS FOR BUREAU OF INDIAN EDUCATION.**

Part A of title IX (20 U.S.C. 7801 et seq.) is amended by adding at the end the following:

**“SEC. 9104. RESERVATIONS FOR BUREAU OF INDIAN EDUCATION.**

“(a) BIE RESERVATIONS FOR FORMULA-BASED EDUCATION PROGRAMS.—

“(1) IN GENERAL.—The Secretary shall ensure that any formula-based education program provides a reservation, in the amount described in paragraph (2), for the Bureau of Indian Education to be used in accordance with paragraph (3) on behalf of the schools or programs, as applicable, operated or funded by the Bureau of Indian Education.

“(2) AMOUNT OF RESERVATION.—

“(A) INCREASING BIE RESERVATIONS OF LESS THAN 0.5 PERCENT.—In the case of a formula-based education program that requires by law (including any regulation) reservation of program funds for the Bureau of Indian Education in an amount less than 0.5 percent of the total amount available to carry out the formula-based education program for a fiscal year, the Secretary shall increase the amount of such reservation to 0.5 percent of such total amount for such year.

“(B) MAINTAINING BIE RESERVATIONS EQUAL TO OR GREATER THAN 0.5 PERCENT.—In the case of a formula-based education program that requires by law (including any regulation) a reservation of program funds for the Bureau of Indian Education in an amount equal to or greater than 0.5 percent of the total amount available to carry out the formula-based education program for a fiscal year, the Secretary shall reserve the amount of funds required by such law for the Bureau for such year.

“(C) ESTABLISHING BIE RESERVATIONS FOR OTHER FORMULA-BASED EDUCATION PROGRAMS.—In the case of a formula-based education program for which no funds are provided or reserved by law (including any regulation) by the Secretary for the Bureau of Indian Education or for schools operated or funded by the Bureau, the Secretary shall reserve 0.5 percent of the total amount available to carry out the formula-based education program for the Bureau of Indian Education.

“(3) USE OF RESERVED FUNDS.—The Bureau of Indian Education shall use any funds reserved under a formula-based education program for the purposes and uses provided under such program.

“(b) REQUIREMENTS FOR COMPETITIVE EDUCATION PROGRAMS.—

“(1) IN GENERAL.—With respect to any competitive education program, the Secretary shall deem the Bureau of Indian Education

to be a State or State educational agency, as applicable, for purposes of applying for and receiving a grant, contract, or other assistance under the program, and shall allow the Bureau to use funds provided under the competitive education program to carry out the purposes and activities and services provided by the program for the schools or programs, as applicable, operated or funded by the Bureau.

“(2) TECHNICAL ASSISTANCE.—For each competitive education program, the Secretary may reserve not more than 0.5 percent of the total amount appropriated for the program for a fiscal year for technical assistance or capacity-building to assist the Bureau of Indian Education, and schools or programs operated or funded by the Bureau of Indian Education, in building the capacity and expertise needed to compete and qualify for assistance under the program.

“(3) NONAPPLICABILITY OF CERTAIN PROVISIONS.—Notwithstanding any other provision of law, the Bureau of Indian Education, when applying for or receiving a grant, contract, or assistance under a competitive education program, shall not be subject to any provision of the program that requires grant recipients to contribute funds toward the costs of the grant program.

“(c) DEFINITIONS.—In this section:

“(1) FORMULA-BASED EDUCATION PROGRAM.—The term ‘formula-based education program’ means any program administered by the Secretary under this Act that—

“(A) awards grants, contracts, or other assistance relating to early childhood, elementary, or secondary education to States or State educational agencies; and

“(B) allocates the program funds by statutory or regulatory formula.

“(2) COMPETITIVE EDUCATION PROGRAM.—The term ‘competitive education program’ means any program administered by the Secretary under this Act that—

“(A) awards grants, contracts, or other assistance relating to early childhood, elementary, or secondary education to States or State educational agencies on a competitive basis; and

“(B) does not contain any type of reservation of funds for the Bureau of Indian Education or the schools operated or funded by the Bureau of Indian Education.

“(d) RELATIONSHIP TO OTHER LAWS.—In the event of a conflict between this section and any law regarding a formula-based education program or competitive education program, this section shall control.”.

**SA 2124.** Mrs. MURRAY (for herself, Ms. MIKULSKI, Mrs. SHAHEEN, Ms. BALDWIN, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; as follows:

On page 82, between lines 23 and 24, insert the following:

“(xviii) In the case of each coeducational school in the State that receives assistance under this part—

“(I) a listing of the school’s interscholastic sports teams that participated in athletic competition;

“(II) for each such team—

“(aa) the total number of male and female participants, disaggregated by gender and race;

“(bb) the season in which the team competed, whether the team participated in postseason competition, and the total number of competitive events scheduled;

“(cc) the total expenditures from all sources, including expenditures for travel, uniforms, facilities, and publicity for competitions; and

“(dd) the total number of coaches, trainers, and medical personnel, and for each such individual an identification of such individual’s employment status, and duties other than providing coaching, training, or medical services; and

“(III) the average annual salary of the head coaches of boys’ interscholastic sports teams, across all offered sports, and the average annual salary of the head coaches of girls’ interscholastic sports teams, across all offered sports.

**SA 2125.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 69, strike lines 16 and 17 and insert the following:

(N) how the State educational agency will support multiple postsecondary and career pathways aligned with workforce and economic needs of the State; and

(O) any other information on how the

**SA 2126.** Mr. COONS (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**PART C—AMERICAN DREAM ACCOUNTS**

**SEC. 10301. SHORT TITLE.**

This part may be cited as the “American Dream Accounts Act”.

**SEC. 10302. FINDINGS.**

Congress finds the following:

(1) Only 9.8 out of every 100 individuals from low-income families will graduate from an institution of higher education before reaching the age of 24.

(2) Lack of knowledge about how to apply to, and pay for, an institution of higher education is a barrier for many low-income students and students who would be in the first generation in their families to attend an institution of higher education.

(3) According to Public Agenda, most young adults give secondary school counselors fair or poor ratings for advice about attending an institution of higher education, including advice about how to decide what institution of higher education to attend, how to pay for higher education, what careers to pursue, and how to apply to an institution of higher education.

(4) More than 1,700,000 students fail to file the Free Application for Federal Student Aid (FAFSA), and about one-third of such students would qualify for a Federal Pell Grant.

(5) During the last 2 decades, costs of attending institutions of higher education have increased dramatically, but need-based financial aid has not kept pace with such increasing costs.

(6) In the 1990–1991 school year, the maximum Federal Pell Grant covered 45 percent of the average cost of attendance at a public 4-year institution of higher education (in-

cluding tuition, fees, room, and board), but in the 2010–2011 school year, the maximum Federal Pell Grant covered only 34 percent of such cost.

(7) Parental and youth college savings are strong predictors of a youth’s expectations about attendance at an institution of higher education.

(8) Only 32 percent of parents who earn less than \$35,000 a year are saving for their child’s education at an institution of higher education.

(9) According to the Center for Social Development, “wilt” occurs when a young person who expects to graduate from a 4-year institution of higher education has not yet attended such institution by the ages of 19 to 22.

(10) Children who have savings dedicated for attendance at an institution of higher education are 4 times more likely to attend a 4-year institution of higher education and avoid “wilt”.

**SEC. 10303. DEFINITIONS.**

In this part:

(1) AMERICAN DREAM ACCOUNT.—The term “American Dream Account” means a personal online account for low-income students that monitors higher education readiness and includes a college savings account.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Finance of the Senate, and the Committee on Education and the Workforce, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives, as well as any other Committee of the Senate or House of Representatives that the Secretary determines appropriate.

(3) CHARTER SCHOOL.—The term “charter school” has the meaning given such term in section 5110 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

(4) COLLEGE SAVINGS ACCOUNT.—The term “college savings account” means a trust created or organized exclusively for the purpose of paying the qualified expenses of only an individual who, when the trust is created or organized, has not obtained 18 years of age, if the written governing instrument creating the trust contains the following requirements:

(A) The trustee is a Federally insured financial institution, or a State insured financial institution if a Federally insured financial institution is not available.

(B) The assets of the trust will be invested in accordance with the direction of the individual or of a parent or guardian of the individual, after consultation with the entity providing the initial contribution to the trust or, if applicable, a matching or other contribution for the individual.

(C) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

(D) Any amount in the trust that is attributable to an account seed or matched deposit may be paid or distributed from the trust only for the purpose of paying qualified expenses of the individual.

(5) DUAL OR CONCURRENT ENROLLMENT PROGRAM.—The term “dual or concurrent enrollment program” means a program of study—

(A) provided by an institution of higher education through which a student who has not graduated from high school with a regular high school diploma (as defined in section 200.19(b)(1)(iv) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008) is able to earn postsecondary credit; and

(B) that shall consist of not less than 2 postsecondary credit-bearing courses and support and academic services that help a student persist and complete such courses.

(6) **EARLY COLLEGE HIGH SCHOOL PROGRAM.**—The term “early college high school program” means a formal partnership between at least 1 local educational agency and at least 1 institution of higher education that allows participants, who are primarily low-income students, to simultaneously complete requirements toward earning a regular high school diploma (as defined in section 200.19(b)(1)(iv) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008) and earn not less than 12 transferable credits as part of an organized course of study toward a postsecondary degree or credential.

(7) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

- (A) a State educational agency;
- (B) a local educational agency, including a charter school that operates as its own local educational agency;
- (C) a charter management organization or charter school authorizer;
- (D) an institution of higher education or a Tribal College or University;
- (E) a nonprofit organization;
- (F) an entity with demonstrated experience in educational savings or in assisting low-income students to prepare for, and attend, an institution of higher education;
- (G) a consortium of 2 or more of the entities described in subparagraphs (A) through (F); or
- (H) a consortium of 1 or more of the entities described in subparagraphs (A) through (F) and a public school, a charter school, a school operated by the Bureau of Indian Affairs, or a tribally controlled school.

(8) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(9) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(10) **LOW-INCOME STUDENT.**—The term “low-income student” means a student who is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(11) **PARENT.**—The term “parent” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(12) **QUALIFIED EXPENSES.**—The term “qualified expenses” means, with respect to an individual, expenses that—

- (A) are incurred after the individual receives a secondary school diploma or its recognized equivalent; and
- (B) are associated with attending an institution of higher education, including—
  - (i) tuition and fees;
  - (ii) room and board;
  - (iii) textbooks;
  - (iv) supplies and equipment; and
  - (v) Internet access.

(13) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(14) **STATE EDUCATIONAL AGENCY.**—The term “State educational agency” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(15) **TRIBAL COLLEGE OR UNIVERSITY.**—The term “Tribal College or University” has the meaning given such term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

(16) **TRIBALLY CONTROLLED SCHOOL.**—The term “tribally controlled school” has the

meaning given such term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

**SEC. 10304. GRANT PROGRAM.**

(a) **PROGRAM AUTHORIZED.**—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable such eligible entities to establish and administer American Dream Accounts for a group of low-income students.

(b) **RESERVATION.**—From the amounts appropriated each fiscal year to carry out this part, the Secretary shall reserve not more than 5 percent of such amount to carry out the evaluation activities described in section 10307.

(c) **DURATION.**—A grant awarded under this part shall be for a period of not more than 3 years. The Secretary may extend such grant for an additional 2-year period if the Secretary determines that the eligible entity has demonstrated significant progress, based on the factors described in section 10305(b)(11).

**SEC. 10305. APPLICATIONS; PRIORITY.**

(a) **IN GENERAL.**—Each eligible entity desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) **CONTENTS.**—At a minimum, the application described in subsection (a) shall include the following:

(1) A description of the characteristics of a group of not less than 30 low-income public school students who—

- (A) are, at the time of the application, attending a grade not higher than grade 9; and
- (B) will, under the grant, receive an American Dream Account.

(2) A description of how the eligible entity will engage, and provide support (such as tutoring and mentoring for students, and training for teachers and other stakeholders) either online or in person, to—

- (A) the students in the group described in paragraph (1);
- (B) the family members and teachers of such students; and
- (C) other stakeholders such as school administrators and school counselors.

(3) An identification of partners who will assist the eligible entity in establishing and sustaining American Dream Accounts.

(4) A description of what experience the eligible entity or the partners of the eligible entity have in managing college savings accounts, preparing low-income students for postsecondary education, managing online systems, and teaching financial literacy.

(5) A demonstration that the eligible entity has sufficient resources to provide an initial deposit into the college savings account portion of each American Dream Account.

(6) A description of how the eligible entity will help increase the value of the college savings account portion of each American Dream Account, such as by providing matching funds or incentives for academic achievement.

(7) A description of how the eligible entity will notify each participating student in the group described in paragraph (1), on a semi-annual basis, of the current balance and status of the college savings account portion of the American Dream Account of the student.

(8) A plan that describes how the eligible entity will monitor participating students in the group described in paragraph (1) to ensure that the American Dream Account of each student will be maintained if a student in such group changes schools before graduating from secondary school.

(9) A plan that describes how the American Dream Accounts will be managed for not less than 1 year after a majority of the students in the group described in paragraph (1) graduate from secondary school.

(10) A description of how the eligible entity will encourage students in the group described in paragraph (1) who fail to graduate from secondary school to continue their education.

(11) A description of how the eligible entity will evaluate the grant program, including by collecting, as applicable, the following data about the students in the group described in paragraph (1) during the grant period, or until the time of graduation from a secondary school, whichever comes first, and, if sufficient grant funds are available, after the grant period:

- (A) Attendance rates.
- (B) Progress reports.
- (C) Grades and course selections.
- (D) The student graduation rate, as defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years.
- (E) Rates of student completion of the Free Application for Federal Student Aid described in section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090).

(F) Rates of enrollment in an institution of higher education.

(G) Rates of completion at an institution of higher education.

(12) A description of what will happen to the funds in the college savings account portion of the American Dream Accounts that are dedicated to participating students described in paragraph (1) who have not matriculated at an institution of higher education at the time of the conclusion of the period of American Dream Account management described in paragraph (9), including how the eligible entity will give students this information.

(13) A description of how the eligible entity will ensure that participating students described in paragraph (1) will have access to the Internet.

(14) A description of how the eligible entity will take into consideration how funds in the college savings account portion of American Dream Accounts will affect participating families' eligibility for public assistance.

(c) **PRIORITY.**—In awarding grants under this part, the Secretary shall give priority to applications from eligible entities that—

- (1) are described in subparagraph (G) or (H) of section 10303(7);
- (2) serve the largest number of low-income students;

(3) in the case of an eligible entity described in subparagraph (A) or (B) of section 10303(7), provide opportunities for participating students described in subsection (b)(1) to participate in a dual or concurrent enrollment program or early college high school program at no cost to the student or the student's family; or

(4) as of the time of application, have been awarded a grant under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–21 et seq.) (commonly referred to as the “GEAR UP program”).

**SEC. 10306. AUTHORIZED ACTIVITIES.**

(a) **IN GENERAL.**—An eligible entity that receives a grant under this part shall use such grant funds to establish an American Dream Account for each participating student described in section 10305(b)(1), that will be used to—

- (1) open a college savings account for such student;
- (2) monitor the progress of such student online, which—

(A) shall include monitoring student data relating to—

- (i) grades and course selections;
- (ii) progress reports; and
- (iii) attendance and disciplinary records; and

(B) may also include monitoring student data relating to a broad range of information, provided by teachers and family members, related to postsecondary education readiness, access, and completion;

(3) provide opportunities for such students, either online or in person, to learn about financial literacy, including by—

(A) assisting such students in financial planning for enrollment in an institution of higher education;

(B) assisting such students in identifying and applying for financial aid (such as loans, grants, and scholarships) for an institution of higher education; and

(C) enhancing student understanding of consumer, economic, and personal finance concepts;

(4) provide opportunities for such students, either online or in person, to learn about preparing for enrollment in an institution of higher education, including by providing instruction to students about—

(A) choosing the appropriate courses to prepare for postsecondary education;

(B) applying to an institution of higher education;

(C) building a student portfolio, which may be used when applying to an institution of higher education;

(D) selecting an institution of higher education;

(E) choosing a major for the student's postsecondary program of education or a career path; and

(F) adapting to life at an institution of higher education; and

(5) provide opportunities for such students, either online or in person, to identify skills or interests, including career interests.

(b) ACCESS TO AMERICAN DREAM ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (3) and (4), and in accordance with applicable Federal laws and regulations relating to privacy of information and the privacy of children, an eligible entity that receives a grant under this part shall allow vested stakeholders, as described in paragraph (2), to have secure access, through an Internet website, to an American Dream Account.

(2) VESTED STAKEHOLDERS.—The vested stakeholders that an eligible entity shall permit to access an American Dream Account are individuals (such as the student's teachers, school counselors, school administrators, or other individuals) that are designated, in accordance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the "Family Educational Rights and Privacy Act of 1974"), by the parent of a participating student in whose name such American Dream Account is held, as having permission to access the account. A student's parent may withdraw such designation from an individual at any time.

(3) EXCEPTION FOR COLLEGE SAVINGS ACCOUNT.—An eligible entity that receives a grant under this part shall not be required to give vested stakeholders, as described in paragraph (2), access to the college savings account portion of a student's American Dream Account.

(4) ADULT STUDENTS.—Notwithstanding paragraphs (1), (2), and (3), if a participating student is age 18 or older, an eligible entity that receives a grant under this part shall not provide access to such participating student's American Dream Account without the student's consent, in accordance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the "Family Educational Rights and Privacy Act of 1974").

(5) INPUT OF STUDENT INFORMATION.—Student data collected pursuant to subsection (a)(2)(A) shall be entered into an American

Dream Account only by a school administrator or the designee of such administrator.

(c) PROHIBITION ON USE OF STUDENT INFORMATION.—An eligible entity that receives a grant under this part shall not use any student-level information or data for the purpose of soliciting, advertising, or marketing any financial or non-financial consumer product or service that is offered by such eligible entity, or on behalf of any other person.

(d) PROHIBITION ON THE USE OF GRANT FUNDS.—An eligible entity shall not use grant funds provided under this part to provide any deposits into a college savings account portion of a student's American Dream Account.

SEC. 10307. REPORTS AND EVALUATIONS.

(a) IN GENERAL.—Not later than 1 year after the Secretary has disbursed grants under this part, and annually thereafter until each grant disbursed under this part has ended, the Secretary shall prepare and submit a report to the appropriate committees of Congress, which shall include an evaluation of the effectiveness of the grant program established under this part.

(b) CONTENTS.—The report described in subsection (a) shall—

(1) list the grants that have been awarded under section 10304(a);

(2) include the number of students who have an American Dream Account established through a grant awarded under section 10304(a);

(3) provide data (including the interest accrued on college savings accounts that are part of an American Dream Account) in the aggregate, regarding students who have an American Dream Account established through a grant awarded under section 10304(a), as compared to similarly situated students who do not have an American Dream Account;

(4) identify best practices developed by the eligible entities receiving grants under this part;

(5) identify any issues related to student privacy and stakeholder accessibility to American Dream Accounts;

(6) provide feedback from participating students and the parents of such students about the grant program, including—

(A) the impact of the program;

(B) aspects of the program that are successful;

(C) aspects of the program that are not successful; and

(D) any other data required by the Secretary; and

(7) provide recommendations for expanding the American Dream Accounts program.

SEC. 10308. ELIGIBILITY TO RECEIVE FEDERAL STUDENT FINANCIAL AID.

Notwithstanding any other provision of law, any funds that are in the college savings account portion of a student's American Dream Account shall not affect such student's eligibility to receive Federal student financial aid, including any Federal student financial aid under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and shall not be considered in determining the amount of any such Federal student aid.

SEC. 10309. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2016 and each of the 4 succeeding fiscal years.

SA 2127. Mr. COONS (for himself, Mr. RUBIO, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reau-

thorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**PART C—AMERICAN DREAM ACCOUNTS**

SEC. 10301. SHORT TITLE.

This part may be cited as the "American Dream Accounts Act".

SEC. 10302. FINDINGS.

Congress finds the following:

(1) Only 9.8 out of every 100 individuals from low-income families will graduate from an institution of higher education before reaching the age of 24.

(2) Lack of knowledge about how to apply to, and pay for, an institution of higher education is a barrier for many low-income students and students who would be in the first generation in their families to attend an institution of higher education.

(3) According to Public Agenda, most young adults give secondary school counselors fair or poor ratings for advice about attending an institution of higher education, including advice about how to decide what institution of higher education to attend, how to pay for higher education, what careers to pursue, and how to apply to an institution of higher education.

(4) More than 1,700,000 students fail to file the Free Application for Federal Student Aid (FAFSA), and about one-third of such students would qualify for a Federal Pell Grant.

(5) During the last 2 decades, costs of attending institutions of higher education have increased dramatically, but need-based financial aid has not kept pace with such increasing costs.

(6) In the 1990–1991 school year, the maximum Federal Pell Grant covered 45 percent of the average cost of attendance at a public 4-year institution of higher education (including tuition, fees, room, and board), but in the 2010–2011 school year, the maximum Federal Pell Grant covered only 34 percent of such cost.

(7) Parental and youth college savings are strong predictors of a youth's expectations about attendance at an institution of higher education.

(8) Only 32 percent of parents who earn less than \$35,000 a year are saving for their child's education at an institution of higher education.

(9) According to the Center for Social Development, "wilt" occurs when a young person who expects to graduate from a 4-year institution of higher education has not yet attended such institution by the ages of 19 to 22.

(10) Children who have savings dedicated for attendance at an institution of higher education are 4 times more likely to attend a 4-year institution of higher education and avoid "wilt".

SEC. 10303. DEFINITIONS.

In this part:

(1) AMERICAN DREAM ACCOUNT.—The term "American Dream Account" means a personal online account for low-income students that monitors higher education readiness and includes a college savings account.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Finance of the Senate, and the Committee on Education and the Workforce, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives, as well as any other Committee of the Senate or House of Representatives that the Secretary determines appropriate.

(3) **CHARTER SCHOOL.**—The term “charter school” has the meaning given such term in section 5110 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

(4) **COLLEGE SAVINGS ACCOUNT.**—The term “college savings account” means a trust created or organized exclusively for the purpose of paying the qualified expenses of only an individual who, when the trust is created or organized, has not obtained 18 years of age, if the written governing instrument creating the trust contains the following requirements:

(A) The trustee is a Federally insured financial institution, or a State insured financial institution if a Federally insured financial institution is not available.

(B) The assets of the trust will be invested in accordance with the direction of the individual or of a parent or guardian of the individual, after consultation with the entity providing the initial contribution to the trust or, if applicable, a matching or other contribution for the individual.

(C) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

(D) Any amount in the trust that is attributable to an account seed or matched deposit may be paid or distributed from the trust only for the purpose of paying qualified expenses of the individual.

(5) **DUAL OR CONCURRENT ENROLLMENT PROGRAM.**—The term “dual or concurrent enrollment program” means a program of study—

(A) provided by an institution of higher education through which a student who has not graduated from high school with a regular high school diploma (as defined in section 200.19(b)(1)(iv) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008) is able to earn postsecondary credit; and

(B) that shall consist of not less than 2 postsecondary credit-bearing courses and support and academic services that help a student persist and complete such courses.

(6) **EARLY COLLEGE HIGH SCHOOL PROGRAM.**—The term “early college high school program” means a formal partnership between at least 1 local educational agency and at least 1 institution of higher education that allows participants, who are primarily low-income students, to simultaneously complete requirements toward earning a regular high school diploma (as defined in section 200.19(b)(1)(iv) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008) and earn not less than 12 transferable credits as part of an organized course of study toward a postsecondary degree or credential.

(7) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a State educational agency;

(B) a local educational agency, including a charter school that operates as its own local educational agency;

(C) a charter management organization or charter school authorizer;

(D) an institution of higher education or a Tribal College or University;

(E) a nonprofit organization;

(F) an entity with demonstrated experience in educational savings or in assisting low-income students to prepare for, and attend, an institution of higher education;

(G) a consortium of 2 or more of the entities described in subparagraphs (A) through (F); or

(H) a consortium of 1 or more of the entities described in subparagraphs (A) through (F) and a public school, a charter school, a school operated by the Bureau of Indian Affairs, or a tribally controlled school.

(8) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(9) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(10) **LOW-INCOME STUDENT.**—The term “low-income student” means a student who is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(11) **PARENT.**—The term “parent” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(12) **QUALIFIED EXPENSES.**—The term “qualified expenses” means, with respect to an individual, expenses that—

(A) are incurred after the individual receives a secondary school diploma or its recognized equivalent; and

(B) are associated with attending an institution of higher education, including—

(i) tuition and fees;

(ii) room and board;

(iii) textbooks;

(iv) supplies and equipment; and

(v) Internet access.

(13) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(14) **STATE EDUCATIONAL AGENCY.**—The term “State educational agency” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(15) **TRIBAL COLLEGE OR UNIVERSITY.**—The term “Tribal College or University” has the meaning given such term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

(16) **TRIBALLY CONTROLLED SCHOOL.**—The term “tribally controlled school” has the meaning given such term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

#### **SEC. 10304. GRANT PROGRAM.**

(a) **PROGRAM AUTHORIZED.**—The Secretary shall establish a pilot program and award 10 grants to eligible entities to enable such eligible entities to establish and administer American Dream Accounts for a group of low-income students.

(b) **RESERVATION.**—From the amounts appropriated each fiscal year to carry out this part, the Secretary shall reserve not more than 5 percent of such amount to carry out the evaluation activities described in section 10307.

(c) **DURATION.**—A grant awarded under this part shall be for a period of not more than 3 years. The Secretary may extend such grant for an additional 2-year period if the Secretary determines that the eligible entity has demonstrated significant progress, based on the factors described in section 10305(b)(11).

#### **SEC. 10305. APPLICATIONS; PRIORITY.**

(a) **IN GENERAL.**—Each eligible entity desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) **CONTENTS.**—At a minimum, the application described in subsection (a) shall include the following:

(1) A description of the characteristics of a group of not less than 30 low-income public school students who—

(A) are, at the time of the application, attending a grade not higher than grade 9; and

(B) will, under the grant, receive an American Dream Account.

(2) A description of how the eligible entity will engage, and provide support (such as tu-

toring and mentoring for students, and training for teachers and other stakeholders) either online or in person, to—

(A) the students in the group described in paragraph (1);

(B) the family members and teachers of such students; and

(C) other stakeholders such as school administrators and school counselors.

(3) An identification of partners who will assist the eligible entity in establishing and sustaining American Dream Accounts.

(4) A description of what experience the eligible entity or the partners of the eligible entity have in managing college savings accounts, preparing low-income students for postsecondary education, managing online systems, and teaching financial literacy.

(5) A demonstration that the eligible entity has sufficient resources to provide an initial deposit into the college savings account portion of each American Dream Account.

(6) A description of how the eligible entity will help increase the value of the college savings account portion of each American Dream Account, such as by providing matching funds or incentives for academic achievement.

(7) A description of how the eligible entity will notify each participating student in the group described in paragraph (1), on a semi-annual basis, of the current balance and status of the college savings account portion of the American Dream Account of the student.

(8) A plan that describes how the eligible entity will monitor participating students in the group described in paragraph (1) to ensure that the American Dream Account of each student will be maintained if a student in such group changes schools before graduating from secondary school.

(9) A plan that describes how the American Dream Accounts will be managed for not less than 1 year after a majority of the students in the group described in paragraph (1) graduate from secondary school.

(10) A description of how the eligible entity will encourage students in the group described in paragraph (1) who fail to graduate from secondary school to continue their education.

(11) A description of how the eligible entity will evaluate the grant program, including by collecting, as applicable, the following data about the students in the group described in paragraph (1) during the grant period, or until the time of graduation from a secondary school, whichever comes first, and, if sufficient grant funds are available, after the grant period:

(A) Attendance rates.

(B) Progress reports.

(C) Grades and course selections.

(D) The student graduation rate, as defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years.

(E) Rates of student completion of the Free Application for Federal Student Aid described in section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090).

(F) Rates of enrollment in an institution of higher education.

(G) Rates of completion at an institution of higher education.

(12) A description of what will happen to the funds in the college savings account portion of the American Dream Accounts that are dedicated to participating students described in paragraph (1) who have not matriculated at an institution of higher education at the time of the conclusion of the period of American Dream Account management described in paragraph (9), including how the eligible entity will give students this information.

(13) A description of how the eligible entity will ensure that participating students described in paragraph (1) will have access to the Internet.

(14) A description of how the eligible entity will take into consideration how funds in the college savings account portion of American Dream Accounts will affect participating families' eligibility for public assistance.

(c) **PRIORITY.**—In awarding grants under this part, the Secretary shall give priority to applications from eligible entities that—

(1) are described in subparagraph (G) or (H) of section 10303(7);

(2) serve the largest number of low-income students;

(3) in the case of an eligible entity described in subparagraph (A) or (B) of section 10303(7), provide opportunities for participating students described in subsection (b)(1) to participate in a dual or concurrent enrollment program or early college high school program at no cost to the student or the student's family; or

(4) as of the time of application, have been awarded a grant under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–21 et seq.) (commonly referred to as the “GEAR UP program”).

#### **SEC. 10306. AUTHORIZED ACTIVITIES.**

(a) **IN GENERAL.**—An eligible entity that receives a grant under this part shall use such grant funds to establish an American Dream Account for each participating student described in section 10305(b)(1), that will be used to—

(1) open a college savings account for such student;

(2) monitor the progress of such student online, which—

(A) shall include monitoring student data relating to—

(i) grades and course selections;

(ii) progress reports; and

(iii) attendance and disciplinary records; and

(B) may also include monitoring student data relating to a broad range of information, provided by teachers and family members, related to postsecondary education readiness, access, and completion;

(3) provide opportunities for such students, either online or in person, to learn about financial literacy, including by—

(A) assisting such students in financial planning for enrollment in an institution of higher education;

(B) assisting such students in identifying and applying for financial aid (such as loans, grants, and scholarships) for an institution of higher education; and

(C) enhancing student understanding of consumer, economic, and personal finance concepts;

(4) provide opportunities for such students, either online or in person, to learn about preparing for enrollment in an institution of higher education, including by providing instruction to students about—

(A) choosing the appropriate courses to prepare for postsecondary education;

(B) applying to an institution of higher education;

(C) building a student portfolio, which may be used when applying to an institution of higher education;

(D) selecting an institution of higher education;

(E) choosing a major for the student's postsecondary program of education or a career path; and

(F) adapting to life at an institution of higher education; and

(5) provide opportunities for such students, either online or in person, to identify skills or interests, including career interests.

(b) **ACCESS TO AMERICAN DREAM ACCOUNT.**—

(1) **IN GENERAL.**—Subject to paragraphs (3) and (4), and in accordance with applicable Federal laws and regulations relating to privacy of information and the privacy of children, an eligible entity that receives a grant under this part shall allow vested stakeholders, as described in paragraph (2), to have secure access, through an Internet website, to an American Dream Account.

(2) **VESTED STAKEHOLDERS.**—The vested stakeholders that an eligible entity shall permit to access an American Dream Account are individuals (such as the student's teachers, school counselors, school administrators, or other individuals) that are designated, in accordance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the “Family Educational Rights and Privacy Act of 1974”), by the parent of a participating student in whose name such American Dream Account is held, as having permission to access the account. A student's parent may withdraw such designation from an individual at any time.

(3) **EXCEPTION FOR COLLEGE SAVINGS ACCOUNT.**—An eligible entity that receives a grant under this part shall not be required to give vested stakeholders, as described in paragraph (2), access to the college savings account portion of a student's American Dream Account.

(4) **ADULT STUDENTS.**—Notwithstanding paragraphs (1), (2), and (3), if a participating student is age 18 or older, an eligible entity that receives a grant under this part shall not provide access to such participating student's American Dream Account without the student's consent, in accordance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the “Family Educational Rights and Privacy Act of 1974”).

(5) **INPUT OF STUDENT INFORMATION.**—Student data collected pursuant to subsection (a)(2)(A) shall be entered into an American Dream Account only by a school administrator or the designee of such administrator.

(c) **PROHIBITION ON USE OF STUDENT INFORMATION.**—An eligible entity that receives a grant under this part shall not use any student-level information or data for the purpose of soliciting, advertising, or marketing any financial or non-financial consumer product or service that is offered by such eligible entity, or on behalf of any other person.

(d) **PROHIBITION ON THE USE OF GRANT FUNDS.**—An eligible entity shall not use grant funds provided under this part to provide any initial deposits into a college savings account portion of a student's American Dream Account.

#### **SEC. 10307. REPORTS AND EVALUATIONS.**

(a) **IN GENERAL.**—Not later than 1 year after the Secretary has disbursed grants under this part, and annually thereafter until each grant disbursed under this part has ended, the Secretary shall prepare and submit a report to the appropriate committees of Congress, which shall include an evaluation of the effectiveness of the grant program established under this part.

(b) **CONTENTS.**—The report described in subsection (a) shall—

(1) list the grants that have been awarded under section 10304(a);

(2) include the number of students who have an American Dream Account established through a grant awarded under section 10304(a);

(3) provide data (including the interest accrued on college savings accounts that are part of an American Dream Account) in the aggregate, regarding students who have an American Dream Account established

through a grant awarded under section 10304(a), as compared to similarly situated students who do not have an American Dream Account;

(4) identify best practices developed by the eligible entities receiving grants under this part;

(5) identify any issues related to student privacy and stakeholder accessibility to American Dream Accounts;

(6) provide feedback from participating students and the parents of such students about the grant program, including—

(A) the impact of the program;

(B) aspects of the program that are successful;

(C) aspects of the program that are not successful; and

(D) any other data required by the Secretary; and

(7) provide recommendations for expanding the American Dream Accounts program.

#### **SEC. 10308. ELIGIBILITY TO RECEIVE FEDERAL STUDENT FINANCIAL AID.**

Notwithstanding any other provision of law, any funds that are in the college savings account portion of a student's American Dream Account shall not affect such student's eligibility to receive Federal student financial aid, including any Federal student financial aid under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and shall not be considered in determining the amount of any such Federal student aid.

#### **SEC. 10309. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2016 and each of the 4 succeeding fiscal years.

**SA 2128.** Mr. KAINÉ (for himself, Ms. AYOTTE, Mr. WHITEHOUSE, Mr. CASEY, Mr. WARNER, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

After section 5010, insert the following:

#### **SEC. 5011. MIDDLE SCHOOL TECHNICAL EDUCATION PROGRAM.**

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part I, as added by section 5010, the following:

#### **“PART J—MIDDLE SCHOOL TECHNICAL EDUCATION PROGRAM**

##### **“SEC. 5951. PURPOSE; DEFINITIONS.**

“(a) **PURPOSE.**—The purpose of this part is to support the development of middle school career exploration programs linked to career and technical education programs of study.

“(b) **DEFINITIONS.**—In this part:

“(1) **CAREER AND TECHNICAL EDUCATION EXPLORATION PROGRAM.**—The term ‘career and technical education exploration program’ means a program that is developed through an organized, systemic framework and is designed to aid students in making informed plans and decisions about future education and career opportunities and enrollment in career and technical education programs of study.

“(2) **ELIGIBLE PARTNERSHIP.**—The term ‘eligible partnership’ means an entity that—

“(A) shall include—

“(i) not less than 1 local educational agency that receives funding under section 131 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2351), or an area career and technical education school

or educational service agency described in such section;

“(ii) not less than 1 eligible institution that receives funding under section 132 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2352); and

“(iii) not less than 1 representative of either a local or regional business, industry, nonprofit organization, or apprenticeship program; and

“(B) may include other representatives of the community, including representatives of parents’ organizations, labor organizations, nonprofit organizations, employers, and representatives of local workforce development boards (established under subtitle A of title I of the Workforce Innovation and Opportunity Act).

**“SEC. 5952. CAREER EXPLORATION PROGRAM DEVELOPMENT GRANTS.**

“(a) AUTHORIZATION.—The Secretary shall create a pilot program to support the establishment of career and technical education exploration programs. In carrying out the pilot program, the Secretary shall award grants to eligible partnerships to enable the eligible partnerships to develop middle school career and technical education exploration programs that are aligned with career and technical education programs of study described in section 122(c)(1)(A) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2342(c)(1)(A)).

“(b) GRANT DURATION.—Grants awarded under this part shall be for a period of not more than 4 years.

“(c) APPLICATION.—An eligible partnership seeking a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

“(1) a description of the partner entities comprising the eligible partnership, the roles and responsibilities of each partner, and a demonstration of each partner’s capacity to support the program;

“(2) a description of how the eligible partnership will use grant funds to carry out each of the activities described under subsection (e);

“(3) a description of how the middle school career and technical education exploration program aligns to regional economies and local emerging workforce needs;

“(4) a description of how the new middle school career and technical education exploration program is linked to—

“(A) 1 or more career and technical education programs of study offered by the agency or school described in section 5951(b)(2)(A)(i); and

“(B) 1 or more career and technical education programs of study offered by the postsecondary institution described in section 5951(b)(2)(A)(ii);

“(5) a description of the students that will be served by the middle school career and technical education exploration program;

“(6) a description of how the middle school career and technical education exploration program funded by the grant will be replicable;

“(7) a description of how the eligible partnership will disseminate information about best practices resulting from the middle school career and technical education exploration program to similar career and technical education programs of study, including such programs in urban and rural areas;

“(8) a description of how the middle school career and technical education exploration program will be implemented;

“(9) a description of how the middle school career and technical education exploration program will provide accessibility to students, especially economically disadvan-

taged, low-performing, and urban and rural students; and

“(10) a description of how the eligible partnership will carry out the evaluation required under subsection (f).

**“(d) SELECTION OF GRANTEEES.—**

“(1) IN GENERAL.—The Secretary shall determine, based on the peer review process described in paragraph (3) and subject to the requirement in paragraph (4), which eligible partnership applicants shall receive funding under this part, and the amount of the grant funding under this part that each selected eligible partnership will receive.

“(2) GRANT AMOUNTS.—In determining the amount of each grant awarded under this part, the Secretary shall—

“(A) ensure that all grants are of sufficient size, scope, and quality to be effective; and

“(B) take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out by the eligible partnership.

**“(3) PEER REVIEW PROCESS.—**

“(A) ESTABLISHMENT OF PEER REVIEW COMMITTEE.—The Secretary shall convene a peer review committee to review applications for grants under this part and to make recommendations to the Secretary regarding the selection of grantees.

“(B) MEMBERS OF THE PEER REVIEW COMMITTEE.—The peer review committee shall include the following members:

“(i) Educators who have experience implementing career and technical education programs and career exploration programs.

“(ii) Experts in the field of career and technical education.

“(4) RURAL OR SMALL LOCAL EDUCATIONAL AGENCIES.—The Secretary shall set aside not less than 5 percent of the funds made available to award grants under this part to award grants to eligible partnerships that include rural or small local educational agencies, as defined by the Secretary.

“(e) USE OF FUNDS.—Each eligible partnership receiving a grant under this section shall use grant funds to develop and implement a middle school career and technical education exploration program that—

“(1) shall—

“(A) include introductory courses or experiential activities, such as student apprenticeships or other work-based learning methods and project-based learning experiences;

“(B) include the implementation of a plan that demonstrates the transition from the middle school career and technical education exploration program to a career and technical education program of study that is offered by the entity described in section 5951(b)(2)(A)(i);

“(C) include programs and activities related to the development of individualized graduation and career plans for students; and

“(D) offer career guidance and academic counseling that—

“(i) provides information about postsecondary education and career options; and

“(ii) provides participating students with readily available career and labor market information, such as information about employment sectors, educational requirements, information on workforce supply and demand, and other information on careers that are aligned to State or local economic priorities; and

“(2) may include expanded learning time activities that—

“(A) focus on career exploration, including apprenticeships and internships;

“(B) are available to all students in a middle school; and

“(C) take place during a time that is outside of the standard hours of enrollment for students that are served by the local educational agency.

**“(f) EVALUATIONS AND REPORT.—**

**“(1) EVALUATION.—**

“(A) IN GENERAL.—Each eligible partnership that receives a grant under this part shall collect appropriate data or otherwise document through records (in a manner that complies with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the ‘Family Educational Rights and Privacy Act of 1974’, and other applicable Federal and State privacy laws) the information necessary to conduct an evaluation of grant activities, including an evaluation of—

“(i) the extent of student participation in the middle school career and technical education exploration program carried out under this part;

“(ii) the impact of the middle school career and technical education exploration program carried out under this part on the students’ transition to, or planned participation in, career and technical programs of study (as described in section 122(c)(1)(A) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2342(c)(1)(A))); and

“(iii) any other measurable outcomes specified by the Secretary.

“(B) RESOURCES OF THE ELIGIBLE PARTNERSHIP.—The evaluation described in this paragraph shall reflect the resources and capacity of the local educational agency, area career and technical education school, or educational service agency that is part of the eligible partnership in a manner determined by the Secretary.

“(2) REPORT.—The eligible partnership shall prepare and submit to the Secretary a report containing the results of the evaluation described in paragraph (1).”

**SA 2129.** Mr. TESTER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 38, beginning on line 15, strike “be administered—” and all that follows through line 19, and insert “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”.

**SA 2130.** Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 69, between lines 16 and 17, insert the following:

“(N) if applicable, whether the State conducts periodic assessments of the condition of elementary school and secondary school facilities in the State, which may include an assessment of the age of the facility and the state of repair of the facility;

**SA 2131.** Mr. CASEY (for himself, Mr. ISAKSON, and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that



every child achieves; which was ordered to lie on the table; as follows:

On page 39 line 15, insert “, such as inter-operability with and ability to use assistive technology,” after “accommodations”.

**SA 2132.** Mr. SCOTT (for himself, Mr. CRUZ, Mr. LEE, Mr. RUBIO, Mr. SASSE, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

After section 1010, insert the following:

**SEC. 1011. FUNDS TO FOLLOW THE LOW-INCOME CHILD STATE OPTION.**

Subpart 2 of part A of title I is amended by inserting after section 1122 the following:

**“SEC. 1123. FUNDS TO FOLLOW THE LOW-INCOME CHILD STATE OPTION.**

“(a) FUNDS FOLLOW THE LOW-INCOME CHILD.—Notwithstanding any other provisions in this title requiring a State to reserve or distribute funds, a State may, in accordance with and as permitted by State law, distribute funds under this subpart among the local educational agencies in the State based on the number of eligible children enrolled in the public schools operated by each local educational agency and the number of eligible children within each local educational agency’s geographical area whose parents elect to send their child to a private school, for the purposes of ensuring that funding under this subpart follows low-income children to the public school they attend and that payments will be made to the parents of eligible children who choose to enroll their eligible children in private schools.

“(b) ELIGIBLE CHILD.—

“(1) DEFINITION.—In this section, the term ‘eligible child’ means a child aged 5 to 17, inclusive from a family with an income below the poverty level on the basis of the most recent satisfactory data published by the Department of Commerce.

“(2) CRITERIA OF POVERTY.—In determining the families with incomes below the poverty level for the purposes of this section, a State educational agency shall use the criteria of poverty used by the Census Bureau in compiling the most recent decennial census, as the criteria have been updated by increases in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics.

“(c) IDENTIFICATION OF ELIGIBLE CHILDREN; ALLOCATION AND DISTRIBUTION OF FUNDS.—

“(1) IDENTIFICATION OF ELIGIBLE CHILDREN.—On an annual basis, on a date to be determined by the State educational agency, each local educational agency shall inform the State educational agency of the number of eligible children enrolled in public schools served by the local educational agency and the number of eligible children within each local educational agency’s geographical area whose parents elect to send their child to a private school.

“(2) AMOUNT OF PAYMENT.—

“(A) IN GENERAL.—Subject to subparagraph (B), the amount of payment for each eligible child described in this section shall be equal to—

“(i) the total amount allotted to the State under this subpart; divided by

“(ii) the total number of eligible children in the State identified under paragraph (1).

“(B) LIMITATION.—In the case of a payment made to the parents of an eligible child who elects to attend a private school, the amount

of the payment described in subparagraph (A) for each eligible child shall not exceed the cost for tuition, fees, and transportation for the eligible child to attend the private school.

“(3) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—Based on the identification of eligible children in paragraph (1), the State educational agency shall provide to a local educational agency an amount equal to the product of—

“(A) the amount available for each eligible child in the State, as determined in paragraph (2); multiplied by

“(B) the number of eligible children identified by the local educational agency under paragraph (1).

“(4) DISTRIBUTION TO SCHOOLS.—From amounts allocated under paragraph (3) and notwithstanding any provisions in this title requiring a local educational agency to reserve funds, each local educational agency that receives funds under such paragraph shall distribute a portion of such funds to the public schools served by the local educational agency, which amount shall—

“(A) be based on the number of eligible children enrolled in such schools and included in the count submitted under paragraph (1); and

“(B) be distributed in a manner that would, in the absence of such Federal funds, supplement the funds made available from non-Federal resources for the education of pupils participating in programs under this part, and not to supplant such funds (in accordance with the method of determination described in section 1117).

“(5) DISTRIBUTION TO PARENTS.—

“(A) IN GENERAL.—From the amounts allocated under paragraph (3) and notwithstanding any provisions in this title requiring a local educational agency to reserve funds, each local educational agency that receives funds under such paragraph shall distribute a portion of such funds, in an amount equal to the amount described in paragraph (2), to the parents of each eligible child within the local educational agency’s geographical area who elect to send their child to a private school and whose child is included in the count of such eligible children under paragraph (1), which amount shall be distributed in a manner so as to ensure that such payments will be used for the payment of tuition, fees, and transportation expenses (if any).

“(B) RESERVATION.—A local educational agency described in this paragraph may reserve not more than 1 percent of the funds available for distribution under subparagraph (A) to pay administrative costs associated with carrying out the activities described in such subparagraph.

“(d) TECHNICAL ASSISTANCE.—The Secretary, in consultation with the Secretary of Commerce, shall provide technical assistance to the State educational agencies that choose to allocate grant funds in accordance with subsection (a), for the purpose of assisting local educational agencies and schools in such States to determine an accurate methodology to identify the number of eligible children under subsection (c)(1).

“(e) RULE OF CONSTRUCTION.—Payments to parents under this subsection (c)(5) shall be considered assistance to the eligible child and shall not be considered assistance to the school that enrolls the eligible child. The amount of any payment under this section shall not be treated as income of the child or his or her parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

“(f) REQUIREMENTS FOR PARTICIPATING PRIVATE SCHOOLS.—A private school that enrolls eligible children whose parents receive funds under this section—

“(1) shall be accredited, licensed, or otherwise operating in accordance with State law;

“(2) shall ensure that the amount of any tuition or fees charged by the school to an eligible child whose parents receive funds from a local educational agency through a distribution under this section does not exceed the amount of tuition or fees that the school charges to students whose parents do not receive such funds;

“(3) shall be academically accountable to the parent for meeting the educational needs of the student; and

“(4) shall not discriminate against eligible children on the basis of race, color, national origin, or sex, except that—

“(A) the prohibition of sex discrimination shall not apply to a participating school that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of such prohibition is inconsistent with the religious tenets or beliefs of the school; and

“(B) notwithstanding this paragraph or any other provision of law, a parent may choose, and a school may offer, a single-sex school, class, or activity.

“(g) PROHIBITIONS ON CONTROL OF PARTICIPATING PRIVATE SCHOOLS.—Notwithstanding any other provision of law, a private school that enrolls eligible children whose parents receive funds under this section—

“(1) may be a school that is operated by, supervised by, controlled by, or connected to, a religious organization to exercise its right in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), including the exemptions in that title; and

“(2) consistent with the First Amendment of the Constitution of the United States, shall not—

“(A) be required to make any change in the school’s teaching mission;

“(B) be required to remove religious art, icons, scriptures, or other symbols; or

“(C) be precluded from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents.

“(h) EVALUATION.—Every 2 years, the Secretary shall conduct an evaluation of eligible children whose parents receive funds under this section, which shall include an evaluation of—

“(1) 4-year adjusted cohort graduation rates; and

“(2) parental satisfaction regarding the relevant activities carried out under this section.

“(i) REQUESTS FOR DATA AND INFORMATION.—Each school that enrolls eligible children whose parents receive funds under this section shall comply with all requests for data and information regarding evaluations conducted under subsection (h).

“(j) RULES OF CONDUCT AND OTHER SCHOOL POLICIES.—A school that enrolls eligible children whose parents receive funds under this section may require such children to abide by any rules of conduct and other requirements applicable to all other students at the school.

“(k) REPORT TO PARENTS.—

“(1) IN GENERAL.—Each school that enrolls eligible children whose parents receive funds under this section shall report, at least once during the school year, to such parents on—

“(A) their child’s academic achievement, as measured by a comparison with—

“(i) the aggregate academic achievement of other students at the school who are eligible children whose parents receive funds under this section and who are in the same grade or level, as appropriate; and

“(ii) the aggregate academic achievement of the student’s peers at the school who are

in the same grade or level, as appropriate; and

“(B) the safety of the school, including the incidence of school violence, student suspensions, and student expulsions.

“(2) PROHIBITION ON DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information, except that a student's parent may receive a report containing personally identifiable information relating to their own child.”.

**SA 2133.** Mr. SCOTT (for himself, Mr. CRUZ, Mr. RUBIO, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

After part A of title X, insert the following:

**PART B—EDUCATION PORTABILITY FOR INDIVIDUALS WITH DISABILITIES**

**SEC. 10201. PURPOSE.**

The purpose of this part is to provide options to States to innovate and improve the education of children with disabilities by expanding the choices for students and parents under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

**SEC. 10202. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**

(a) CHILDREN ENROLLED IN PRIVATE SCHOOLS BY THEIR PARENTS.—Section 612(a)(10)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)(A)) is amended by adding at the end the following:

“(viii) PARENT OPTION PROGRAM.—If a State has established a program that meets the requirements of section 663(c)(11) (whether statewide or in limited areas of the State) and that allows a parent of a child described in section 663(c)(11)(A) to use public funds, or private funds in accordance with 663(c)(11)(B)(ii), to pay some or all of the costs of attendance at a private school—

“(I) funds allocated to the State under section 611 may be used by the State to supplement such public or private funds, if the Federal funds are distributed to parents who make a genuine independent choice as to the appropriate school for their child, except that in no case shall the amount of Federal funds provided under this subclause to a parent of a child with a disability for a year exceed the total amount of tuition, fees, and transportation costs for the child for the year;

“(II) the authorization of a parent to exercise this option fulfills the State's obligation under paragraph (1) with respect to the child during the period in which the child is enrolled in the selected school; and

“(III) a selected school accepting such funds shall not be required to carry out any of the requirements of this title with respect to such child.”.

(b) RESEARCH AND INNOVATION TO IMPROVE SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES.—Section 663(c) of the Individuals with Disabilities Education Act (20 U.S.C. 1463(c)) is amended—

(1) in paragraph (9), by striking “and” after the semicolon;

(2) in paragraph (10), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(11) supporting the post-award planning and design, and the initial implementation (which may include costs for informing the

community, acquiring necessary equipment and supplies, and other initial operational costs), during a period of not more than 3 years, of State programs that allow the parent of a child with a disability to make a genuine independent choice of the appropriate public or private school for their child, if the program—

“(A) requires that the child be a child who has received an initial evaluation described in section 614(a) and has been identified as a child with a disability, in accordance with part B;

“(B)(i) permits the parent to receive from the State funds to be used to pay some or all of the costs of attendance at the selected school (which may include tuition, fees, and transportation costs); or

“(i) permits persons to receive a State tax credit for donations to an entity that provides funds to parents of eligible students described in subparagraph (A), to be used by the parents to pay some or all of the costs of attendance at the selected school (which may include tuition, fees, and transportation costs);

“(C) prohibits any school that agrees to participate in the program from discriminating against eligible students on the basis of race, color, national origin, or sex, except that—

“(i) the prohibition of sex discrimination shall not apply to a participating school that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of such prohibition is inconsistent with the religious tenets or beliefs of the school; and

“(ii) notwithstanding this subparagraph or any other provision of law, a parent may choose, and a school may offer, a single-sex school, class, or activity;

“(D) notwithstanding any other provision of law, allows any school participating in the program that is operated by, supervised by, controlled by, or connected to, a religious organization to exercise its right in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), including the exemptions in that title;

“(E) allows a school to participate in the program without, consistent with the First Amendment of the Constitution of the United States—

“(i) necessitating any change in the participating school's teaching mission;

“(ii) requiring any private participating school to remove religious art, icons, scriptures, or other symbols; or

“(iii) precluding any private participating school from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents; and

“(F) requires a participating school selected for a child with a disability to be—

“(i) accredited, licensed, or otherwise operating in accordance with State law; and

“(ii) academically accountable to the parent for meeting the educational needs of the student.”.

**SA 2134.** Mr. SCOTT (for himself, Mr. CRUZ, Mr. HATCH, Mr. RUBIO, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE XI—CHOICE ACT**

**SECTION 11001. SHORT TITLE.**

This title may be cited as the “Creating Hope and Opportunity for Individuals and

Communities through Education Act” or the “CHOICE Act”.

**PART A—IMPROVING THE SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS ACT**

**SEC. 11101. PURPOSE.**

The purpose of this part is to amend the Scholarships for Opportunity and Results Act (Public Law 112–10, 125 Stat. 199) in order to improve provisions concerning opportunity scholarships available for low-income students in the District of Columbia.

**SEC. 11102. IMPROVEMENTS TO THE SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS ACT.**

(a) CARRYOVER AMOUNTS.—Section 3014 of division C of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10, 125 Stat. 212) is amended by adding at the end the following:

“(c) CARRYOVER AMOUNTS.—

“(1) IN GENERAL.—Amounts appropriated under this section shall remain available until expended.

“(2) USE OF CARRYOVER AMOUNTS.—Of the funds appropriated under this section that are unobligated, are not expended in the fiscal year for which such funds are appropriated, and are not necessary for the continuation of the scholarships already awarded, the Secretary shall, for the subsequent fiscal year—

“(A) use 2 percent of such funds to carry out outreach and parental education and assistance activities described in section 3007(c) that are in addition to any such activities carried out by an eligible entity under such section; and

“(B) use the remaining amount of such funds to provide opportunity scholarships to eligible students who have not previously received such a scholarship.”.

(b) CLARIFICATION IN STUDENT ELIGIBILITY.—Section 3013(3) of division C of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10, 125 Stat. 211) is amended, in the matter preceding subparagraph (A), by inserting “, is enrolled, or will be enrolled for the next school year, in a public or private elementary school or secondary school,” after “District of Columbia”.

**PART B—EDUCATION PORTABILITY FOR INDIVIDUALS WITH DISABILITIES**

**SEC. 11201. PURPOSE.**

The purpose of this part is to provide options to States to innovate and improve the education of children with disabilities by expanding the choices for students and parents under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

**SEC. 11202. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**

(a) CHILDREN ENROLLED IN PRIVATE SCHOOLS BY THEIR PARENTS.—Section 612(a)(10)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)(A)) is amended by adding at the end the following:

“(viii) PARENT OPTION PROGRAM.—If a State has established a program that meets the requirements of section 663(c)(11) (whether statewide or in limited areas of the State) and that allows a parent of a child described in section 663(c)(11)(A) to use public funds, or private funds in accordance with 663(c)(11)(B)(ii), to pay some or all of the costs of attendance at a private school—

“(I) funds allocated to the State under section 611 may be used by the State to supplement such public or private funds, if the Federal funds are distributed to parents who make a genuine independent choice as to the appropriate school for their child, except that in no case shall the amount of Federal funds provided under this subclause to a parent of a child with a disability for a year exceed the total amount of tuition, fees, and

transportation costs for the child for the year;

“(II) the authorization of a parent to exercise this option fulfills the State’s obligation under paragraph (1) with respect to the child during the period in which the child is enrolled in the selected school; and

“(III) a selected school accepting such funds shall not be required to carry out any of the requirements of this title with respect to such child.”.

(b) RESEARCH AND INNOVATION TO IMPROVE SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES.—Section 663(c) of the Individuals with Disabilities Education Act (20 U.S.C. 1463(c)) is amended—

(1) in paragraph (9), by striking “and” after the semicolon;

(2) in paragraph (10), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(11) supporting the post-award planning and design, and the initial implementation (which may include costs for informing the community, acquiring necessary equipment and supplies, and other initial operational costs), during a period of not more than 3 years, of State programs that allow the parent of a child with a disability to make a genuine independent choice of the appropriate public or private school for their child, if the program—

“(A) requires that the child be a child who has received an initial evaluation described in section 614(a) and has been identified as a child with a disability, in accordance with part B;

“(B)(i) permits the parent to receive from the State funds to be used to pay some or all of the costs of attendance at the selected school (which may include tuition, fees, and transportation costs); or

“(ii) permits persons to receive a State tax credit for donations to an entity that provides funds to parents of eligible students described in subparagraph (A), to be used by the parents to pay some or all of the costs of attendance at the selected school (which may include tuition, fees, and transportation costs);

“(C) prohibits any school that agrees to participate in the program from discriminating against eligible students on the basis of race, color, national origin, or sex, except that—

“(i) the prohibition of sex discrimination shall not apply to a participating school that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of such prohibition is inconsistent with the religious tenets or beliefs of the school; and

“(ii) notwithstanding this subparagraph or any other provision of law, a parent may choose, and a school may offer, a single-sex school, class, or activity;

“(D) notwithstanding any other provision of law, allows any school participating in the program that is operated by, supervised by, controlled by, or connected to, a religious organization to exercise its right in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), including the exemptions in that title;

“(E) allows a school to participate in the program without, consistent with the First Amendment of the Constitution of the United States—

“(i) necessitating any change in the participating school’s teaching mission;

“(ii) requiring any private participating school to remove religious art, icons, scriptures, or other symbols; or

“(iii) precluding any private participating school from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references

in its mission statements and other chartering or governing documents; and

“(F) requires a participating school selected for a child with a disability to be—

“(i) accredited, licensed, or otherwise operating in accordance with State law; and

“(ii) academically accountable to the parent for meeting the educational needs of the student.”.

### PART C—MILITARY SCHOLARSHIPS

#### SEC. 11301. PURPOSE.

The purpose of this part is to ensure high-quality education for children of military personnel who live on military installations and thus have less freedom to exercise school choice for their children, in order to improve the ability of the Armed Forces to retain such military personnel.

#### SEC. 11302. MILITARY SCHOLARSHIP PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ESEA DEFINITIONS.—The terms “child”, “elementary school”, “secondary school”, and “local educational agency” have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE MILITARY STUDENT.—The term “eligible military student” means a child who—

(A) is a military dependent student;

(B) lives on a military installation selected to participate in the program under subsection (b)(2); and

(C) chooses to attend a participating school, rather than a school otherwise assigned to the child.

(3) MILITARY DEPENDENT STUDENT.—The term “military dependent student” has the meaning given the term in section 572(e) of the National Defense Authorization Act for Fiscal Year 2006 (20 U.S.C. 7703b(e)).

(4) PARTICIPATING SCHOOL.—The term “participating school” means a public or private elementary school or secondary school that—

(A) accepts scholarship funds provided under this section on behalf of an eligible military student for the costs of tuition, fees, or transportation of the eligible military student; and

(B) is accredited, licensed, or otherwise operating in accordance with State law.

(5) SECRETARY.—The term “Secretary” means the Secretary of Defense.

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From amounts made available under subsection (g) and beginning for the first full school year following the date of enactment of this part, the Secretary shall carry out a 5-year pilot program to award scholarships to enable eligible military students to attend the public or private elementary schools or secondary schools selected by the eligible military students’ parents.

(2) SCOPE OF PROGRAM.—

(A) IN GENERAL.—The Secretary shall select not less than 5 military installations to participate in the pilot program described in paragraph (1). In making such selection, the Secretary shall choose military installations where eligible military students would most benefit from expanded educational options.

(B) INELIGIBILITY.—A military installation that provides, on its premises, education for all elementary school and secondary school grade levels through one or more Department of Defense dependents’ schools shall not be eligible for participation in the program.

(3) AMOUNT OF SCHOLARSHIPS.—

(A) IN GENERAL.—The annual amount of each scholarship awarded to an eligible military student under this section shall not exceed the lesser of—

(i) the cost of tuition, fees, and transportation associated with attending the partici-

pating school selected by the parents of the student; or

(ii)(I) in the case of an eligible military student attending elementary school—

(aa) \$8,000 for the first full school year following the date of enactment of this part; or

(bb) the amount determined under subparagraph (B) for each school year following such first full school year; or

(II) in the case of an eligible military student attending secondary school—

(aa) \$12,000 for the first full school year following the date of enactment of this part; or

(bb) the amount determined under subparagraph (B) for each school year following such first full school year.

(B) ADJUSTMENT FOR INFLATION.—For each school year after the first full school year following the date of enactment of this part, the amounts specified in subclauses (I) and (II) of subparagraph (A)(ii) shall be adjusted to reflect changes for the 12-month period ending the preceding June in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(4) PAYMENTS TO PARENTS.—The Secretary shall make scholarship payments under this section to the parent of the eligible military student in a manner that ensures such payments will be used for the payment of tuition, fees, and transportation expenses (if any) in accordance with this section.

(c) SELECTION OF SCHOLARSHIPS RECIPIENTS.—

(1) RANDOM SELECTION.—If more eligible military students apply for scholarships under the program under this section than the Secretary can accommodate, the Secretary shall select the scholarship recipients through a random selection process from students who submitted applications by the application deadline specified by the Secretary.

(2) CONTINUED ELIGIBILITY.—

(A) IN GENERAL.—An individual who is selected to receive a scholarship under the program under this section shall continue to receive a scholarship for each year of the program until the individual—

(i) graduates from secondary school or elects to no longer participate in the program;

(ii) exceeds the maximum age for which the State in which the student lives provides a free public education; or

(iii) is no longer an eligible military student.

(B) CONTINUED PARTICIPATION FOR MILITARY TRANSFERS.—

(i) TRANSFER TO PRIVATE NON-MILITARY HOUSING.—Notwithstanding subparagraph (A)(iii), an individual receiving a scholarship under this section for a school year who meets the requirements of subparagraphs (A) and (C) of subsection (a)(2) and whose family, during such school year, moves into private non-military housing that is not considered to be part of the military installation, shall continue to receive the scholarship for use at the participating school for the remaining portion of the school year.

(ii) TRANSFER TO A DIFFERENT MILITARY INSTALLATION.—Notwithstanding subparagraph (A)(iii), an individual receiving a scholarship under this section for a school year whose family is transferred to a different military installation shall no longer be eligible to receive such scholarship beginning on the date of the transfer. Such individual may apply to participate in any program offered under this section for the new military installation for a subsequent school year, if such individual qualifies as an eligible military student for such school year.

(d) NONDISCRIMINATION AND OTHER PROVISIONS.—

(1) NON-DISCRIMINATION.—A participating school shall not discriminate against program participants or applicants on the basis of race, color, national origin, or sex.

(2) APPLICABILITY AND SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the prohibition of sex discrimination in paragraph (1) shall not apply to a participating school that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of paragraph (1) is inconsistent with the religious tenets or beliefs of the school.

(B) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding paragraph (1) or any other provision of law, a parent may choose, and a participating school may offer, a single-sex school, class, or activity.

(3) CHILDREN WITH DISABILITIES.—Nothing in this section may be construed to alter or modify the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(4) RULES OF CONDUCT AND OTHER SCHOOL POLICIES.—A participating school, including the schools described in subsection (e), may require eligible students to abide by any rules of conduct and other requirements applicable to all other students at the school.

(e) RELIGIOUSLY AFFILIATED SCHOOLS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a participating school that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise its right in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), including the exemptions in that title.

(2) MAINTENANCE OF PURPOSE.—Notwithstanding any other provision of law, funds made available under this title to eligible military students that are received by a participating school, as a result of their parents' choice, shall not, consistent with the First Amendment of the Constitution of the United States—

(A) necessitate any change in the participating school's teaching mission;

(B) require any private participating school to remove religious art, icons, scriptures, or other symbols; or

(C) preclude any private participating school from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents.

(f) REPORTS.—

(1) ANNUAL REPORTS.—Not later than July 30 of the year following the year of the date of enactment of this part, and each subsequent year through the year in which the final report is submitted under paragraph (2), the Secretary shall prepare and submit to Congress an interim report on the scholarships awarded under the pilot program under this section that includes the content described in paragraph (3) for the applicable school year of the report.

(2) FINAL REPORT.—Not later than 90 days after the end of the pilot program under this section, the Secretary shall prepare and submit to Congress a report on the scholarships awarded under the program that includes the content described in paragraph (3) for each school year of the program.

(3) CONTENT.—Each annual report under paragraph (1) and the final report under paragraph (2) shall contain—

(A) the number of applicants for scholarships under this section;

(B) the number, and the average dollar amount, of scholarships awarded;

(C) the number of participating schools;

(D) the number of elementary school students receiving scholarships under this sec-

tion and the number of secondary school students receiving such scholarships; and

(E) the results of a survey, conducted by the Secretary, regarding parental satisfaction with the scholarship program under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2016 through 2020.

(h) OFFSET IN DEPARTMENT OF EDUCATION SALARIES.—Notwithstanding any other provision of law, for fiscal year 2016 and each of the 4 succeeding fiscal years, the Secretary of Education shall return to the Treasury \$10,000,000 of the amounts made available to the Secretary for salaries and expenses of the Department of Education for such year.

**SA 2135.** Mrs. GILLIBRAND (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

Beginning on page 270, strike line 18 and all that follows through line 16 on page 273 and insert the following:

“(1) STATE ALLOTMENTS.—

“(A) IN GENERAL.—Subject to paragraph

(2), from the funds appropriated under section 2003(a) for a fiscal year that remain after the Secretary makes the reservations under subsection (a), the Secretary shall allot to each State an amount equal to the total amount that such State received for fiscal year 2001 under—

“(i) section 2202(b) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

“(ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106-554).

“(B) RATABLE REDUCTION.—If the funds described in subparagraph (A) are insufficient to pay the full amounts that all States are eligible to receive under subparagraph (A) for any fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

“(2) ALLOTMENT OF ADDITIONAL FUNDS.—

“(A) IN GENERAL.—Subject to subparagraph (B), for any fiscal year for which the funds appropriated under section 2003(a) and not reserved under subsection (a) exceed the total amount required to make allotments under paragraph (1), the Secretary shall allot to each State the sum of—

“(i) an amount that bears the same relationship to 20 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

“(ii) an amount that bears the same relationship to 80 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

“(B) EXCEPTION.—No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total excess amount allotted under such subparagraph for a fiscal year.

“(3) REALLOTMENT.—If any State does not apply for an allotment under this subsection

for any fiscal year, the Secretary shall reallocate the amount of the allotment to the remaining States in accordance with this subsection.

**SA 2136.** Mr. MURPHY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 630, between lines 4 and 5, insert the following:

**SEC. 5011. PROMISE NEIGHBORHOODS.**

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part I, as added by section 5010, the following:

“PART J—PROMISE NEIGHBORHOODS

“SEC. 5910. SHORT TITLE.

“This part may be cited as the ‘Promise Neighborhoods Act of 2015’.

“SEC. 5911. PURPOSE.

“The purpose of this part is to significantly improve the academic and developmental outcomes of children living in our Nation's most distressed communities from birth through college and career entry, including ensuring school readiness, high school graduation, and college and career readiness for such children, through the use of data-driven decisionmaking and access to a community-based continuum of high-quality services, beginning at birth.

“SEC. 5912. DEFINITIONS.

“In this part:

“(1) CHILD.—The term ‘child’ means an individual from birth through age 21.

“(2) COLLEGE AND CAREER READINESS.—The term ‘college and career readiness’ means the level of preparation a student needs in order to meet the challenging State academic standards under section 1111(b)(1).

“(3) COMMUNITY OF PRACTICE.—The term ‘community of practice’ means a group of entities that interact regularly to share best practices to address 1 or more persistent problems, or improve practice with respect to such problems, in 1 or more neighborhoods.

“(4) COMPREHENSIVE SCHOOL READINESS ASSESSMENT.—The term ‘comprehensive school readiness assessment’ means an objective tool that—

“(A) screens for school readiness across domains, including language, cognitive, physical, motor, sensory, and social-emotional domains, and through a developmental screening; and

“(B) may also include other sources of information, such as child observations by parents and others, verbal and written reports, child work samples (for children aged 3 to 5), and health and developmental histories.

“(5) DEVELOPMENTAL SCREENING.—The term ‘developmental screening’ means the use of a standardized tool to identify a child who may be at risk of a developmental delay or disorder.

“(6) EXPANDED LEARNING TIME.—The term ‘expanded learning time’ means the activities and programs described in subparagraphs (A) and (B) of section 4201(b)(1).

“(7) FAMILY AND COMMUNITY ENGAGEMENT.—The term ‘family and community engagement’ means the process of engaging family and community members in education meaningfully and at all stages of the planning, implementation, and school and neighborhood improvement process, including, at a minimum—

“(A) disseminating a clear definition of the neighborhood to the members of the neighborhood;

“(B) ensuring representative participation by the members of such neighborhood in the planning and implementation of the activities of each grant awarded under this part;

“(C) regular engagement by the eligible entity and the partners of the eligible entity with family members and community partners;

“(D) the provision of strategies and practices to assist family and community members in actively supporting student achievement and child development; and

“(E) collaboration with institutions of higher education, workforce development centers, and employers to align expectations and programming with college and career readiness.

“(8) FAMILY AND STUDENT SUPPORTS.—The term ‘family and student supports’ includes—

“(A) health programs (including both mental health and physical health services);

“(B) school, public, and child-safety programs;

“(C) programs that improve family stability;

“(D) workforce development programs (including those that meet local business needs, such as internships and externships);

“(E) social service programs;

“(F) legal aid programs;

“(G) financial literacy education programs;

“(H) adult education and family literacy programs;

“(I) parent, family, and community engagement programs; and

“(J) programs that increase access to learning technology and enhance the digital literacy skills of students.

“(9) FAMILY MEMBER.—The term ‘family member’ means a parent, relative, or other adult who is responsible for the education, care, and well-being of a child.

“(10) INTEGRATED STUDENT SUPPORTS.—The term ‘integrated student supports’ means wraparound services, supports, and community resources, which shall be offered through a site coordinator for at-risk students, that have been shown by evidence-based research—

“(A) to increase academic achievement and engagement;

“(B) to support positive child development; and

“(C) to increase student preparedness for success in college and the workforce.

“(11) NEIGHBORHOOD.—The term ‘neighborhood’ means a defined geographical area in which there are multiple signs of distress, demonstrated by indicators of need, including poverty, childhood obesity rates, academic failure, and rates of juvenile delinquency, adjudication, or incarceration.

“(12) PIPELINE SERVICES.—The term ‘pipeline services’ means a continuum of supports and services for children from birth through college entry, college success, and career attainment, including, at a minimum, strategies to address through services or programs (including integrated student supports) the following:

“(A) Prenatal education and support for expectant parents.

“(B) High-quality early learning opportunities.

“(C) High-quality schools and out-of-school-time programs and strategies.

“(D) Support for a child’s transition to elementary school, including the administration of a comprehensive school readiness assessment.

“(E) Support for a child’s transition from elementary school to middle school, from middle school to high school, and from high

school into and through college and into the workforce.

“(F) Family and community engagement.

“(G) Family and student supports.

“(H) Activities that support college and career readiness, including coordination between such activities, such as—

“(i) assistance with college admissions, financial aid, and scholarship applications, especially for low-income and low-achieving students; and

“(ii) career preparation services and supports.

“(I) Neighborhood-based support for college-age students who have attended the schools in the pipeline, or students who are members of the community, facilitating their continued connection to the community and success in college and the workforce.

#### “SEC. 5913. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—

“(1) PROGRAM AUTHORIZED.—From amounts appropriated to carry out this part, the Secretary shall award grants, on a competitive basis, to eligible entities to implement a comprehensive, evidence-based continuum of coordinated services and supports that engages community partners to improve academic achievement, student development, and college and career readiness, measured by common outcomes, by carrying out the activities described in section 5916 in neighborhoods with high concentrations of low-income individuals and persistently low-achieving schools or schools with an achievement gap.

“(2) SUFFICIENT SIZE AND SCOPE.—Each grant awarded under this part shall be of sufficient size and scope to allow the eligible entity to carry out the purpose of this part.

“(b) DURATION.—A grant awarded under this part shall be for a period of not more than 5 years.

“(c) CONTINUED FUNDING.—Continued funding of a grant under this part, including a grant renewed under subsection (b)(2), after the third year of the grant period shall be contingent on the eligible entity’s progress toward meeting the performance metrics described in section 5918(a).

“(d) MATCHING REQUIREMENT.—

“(1) IN GENERAL.—Each eligible entity receiving a grant under this part shall contribute matching funds in an amount equal to not less than 100 percent of the amount of the grant. Such matching funds shall come from Federal, State, local, and private sources.

“(2) PRIVATE SOURCES.—The Secretary—

“(A) shall require that a portion of the matching funds come from private sources; and

“(B) may allow the use of in-kind donations to satisfy the matching funds requirement.

“(3) ADJUSTMENT.—The Secretary may adjust the matching funds requirement for applicants that demonstrate high need, including applicants from rural areas or applicant that wish to provide services on tribal lands.

“(e) FINANCIAL HARDSHIP WAIVER.—

“(1) IN GENERAL.—The Secretary may waive or reduce, on a case-by-case basis, the matching requirement described in subsection (d), for a period of 1 year at a time, if the eligible entity demonstrates significant financial hardship.

“(2) PRIVATE SOURCES WAIVER.—The Secretary may waive or reduce, on a case-by-case basis, the requirement described in subsection (d) that a portion of matching funds come from private sources if the eligible entity demonstrates an inability to access such funds in the State.

#### “SEC. 5914. ELIGIBLE ENTITIES.

“In this part, the term ‘eligible entity’ means—

“(1) an institution of higher education, as defined in section 102 of the Higher Education Act of 1965;

“(2) an Indian tribe or tribal organization, as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); or

“(3) not less than 1 nonprofit entity working in coordination with not less than 1 of the following entities:

“(A) A high-need local educational agency.

“(B) A charter school funded by the Bureau of Indian Education that is not a local educational agency, except that such school shall not be the fiscal agent for the eligible entity partnership.

“(C) An institution of higher education, as defined in section 102 of the Higher Education Act of 1965.

“(D) The office of a chief elected official of a unit of local government.

“(E) An Indian tribe or tribal organization, as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

#### “SEC. 5915. APPLICATION REQUIREMENTS.

“(a) IN GENERAL.—An eligible entity desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(b) CONTENTS OF APPLICATION.—At a minimum, an application described in subsection (a) shall include the following:

“(1) A plan to significantly improve the academic outcomes of children living in a neighborhood that is served by the eligible entity, by providing pipeline services that address the needs of children in the neighborhood, as identified by the needs analysis described in paragraph (4) and supported by evidence-based practices.

“(2) A description of the neighborhood that the eligible entity will serve.

“(3) Measurable annual goals for the outcomes of the grant, including—

“(A) performance goals, in accordance with the metrics described in section 5918(a), for each year of the grant; and

“(B) projected participation rates and any plans to expand the number of children served or the neighborhood proposed to be served by the grant program.

“(4) An analysis of the needs and assets of the neighborhood identified in paragraph (2), including—

“(A) a description of the process through which the needs analysis was produced, including a description of how parents, family, and community members were engaged in such analysis;

“(B) an analysis of community assets, including programs already provided from Federal and non-Federal sources, within, or accessible to, the neighborhood, including, at a minimum—

“(i) early learning programs, including high-quality child care, Early Head Start programs, Head Start programs, and pre-kindergarten programs;

“(ii) the availability of healthy food options and opportunities for physical activity;

“(iii) existing family and student supports;

“(iv) locally owned businesses and employers; and

“(v) institutions of higher education;

“(C) evidence of successful collaboration within the neighborhood;

“(D) the steps that the eligible entity is taking, at the time of the application, to address the needs identified in the needs analysis; and

“(E) any barriers the eligible entity, public agencies, and other community-based organizations have faced in meeting such needs.

“(5) A description of the data used to identify the pipeline services to be provided, including data regarding—

“(A) school readiness;

“(B) academic achievement and college and career readiness;

“(C) graduation rates;

“(D) health indicators;

“(E) rates of enrollment, remediation, persistence, and completion at institutions of higher education, as available; and

“(F) conditions for learning, including school climate surveys, discipline rates, and student attendance and incident data.

“(6) A description of the process used to develop the application, including the involvement of family and community members.

“(7) An estimate of—

“(A) the number of children, by age, who will be served by each pipeline service; and

“(B) for each age group, the percentage of children (of such age group), within the neighborhood, who the eligible entity proposes to serve, disaggregated by each service, and the goals for increasing such percentage over time.

“(8) A description of how the pipeline services will facilitate the coordination of the following activities:

“(A) Providing high-quality early learning opportunities for children, beginning prenatally and extending through grade 3, by—

“(i) supporting high-quality early learning opportunities that provide children with access to programs that support the cognitive and developmental skills, including social and emotional skills, needed for success in elementary school;

“(ii) providing for opportunities, through parenting classes, baby academies, home visits, family and community engagement, or other evidence-based strategies, for families and expectant parents to—

“(I) acquire the skills to promote early learning, development, and health and safety, including learning about child development and positive discipline strategies (such as through the use of technology and public media programming);

“(II) learn about the role of families and expectant parents in their child’s education; and

“(III) become informed about educational opportunities for their children, including differences in quality among early learning opportunities;

“(iii) ensuring successful transitions between early learning programs and elementary school, including through the establishment of memoranda of understanding between early learning providers and local educational agencies serving young children and families;

“(iv) ensuring appropriate screening, diagnostic assessments, and referrals for children with disabilities, developmental delays, or other special needs, consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), where applicable;

“(v) improving the early learning workforce in the community, including through—

“(I) investments in the recruitment, retention, distribution, and support of high-quality professionals, especially those with certification and experience in child development;

“(II) the provision of high-quality teacher preparation and professional development; or

“(III) the use of joint professional development for early learning providers and elementary school teachers and administrators; and

“(vi) enhancing data systems and data sharing among the eligible entity, partners, early learning providers, schools, and local educational agencies operating in the neighborhood.

“(B) Supporting, enhancing, operating, or expanding rigorous and comprehensive education reforms designed to significantly improve educational outcomes for children in

early learning programs through grade 12, which may include—

“(i) operating schools or working in close collaboration with local schools to provide high-quality academic programs, curricula, and integrated student supports;

“(ii) providing expanded learning time, which may include the integration and use of arts education in such learning time; and

“(iii) providing programs and activities that ensure that students—

“(I) are prepared for the college admissions, scholarship, and financial aid application processes; and

“(II) graduate college and career ready.

“(C) Supporting access to a healthy lifestyle, which may include—

“(i) the provision of high-quality and nutritious meals;

“(ii) access to programs that promote physical activity, physical education, and fitness; and

“(iii) education to promote a healthy lifestyle and positive body image.

“(D) Providing social, health, and mental health services and supports, including referrals for essential care and preventative screenings, for children, family, and community members, which may include—

“(i) dental services;

“(ii) vision care; and

“(iii) speech, language, and auditory screenings and referrals.

“(E) Supporting students and family members as the students transition from early learning programs into elementary school, from elementary school to middle school, from middle school to high school, from high school into and through college and into the workforce, including through evidence-based strategies to address challenges that students may face as they transition, such as the following:

“(i) Early college high schools.

“(ii) Dual enrollment programs.

“(iii) Career academies.

“(iv) Counseling and support services.

“(v) Dropout prevention and recovery strategies.

“(vi) Collaboration with the juvenile justice system and reentry counseling for adjudicated youth.

“(vii) Advanced Placement or International Baccalaureate courses.

“(viii) Teen parent classrooms.

“(ix) Graduation and career coaches.

“(9) A description of the strategies that will be used to provide pipeline services (including a description of the process used to identify such strategies and the outcomes expected and a description of which programs and services will be provided to children, family members, community members, and children not attending schools or programs operated by the eligible entity or its partner providers) to support the purpose of this part.

“(10) An explanation of the process the eligible entity will use to establish and maintain family and community engagement.

“(11) An explanation of how the eligible entity will continuously evaluate and improve the continuum of high-quality pipeline services, including—

“(A) a description of the metrics, consistent with section 5918(a), that will be used to inform each component of the pipeline; and

“(B) the processes for using data to improve instruction, optimize integrated student supports, provide for continuous program improvement, and hold staff and partner organizations accountable.

“(12) An identification of the fiscal agent, which may be any entity described in section 5914 (not including paragraph (2) of such section).

“(13) A list of the non-Federal sources of funding that the eligible entity will secure to comply with the matching funds requirement described in section 5913(d), in addition to other programs from which the eligible entity has already secured funding, including programs funded by the Department or programs of the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of Justice, or the Department of Labor.

“(c) MEMORANDUM OF UNDERSTANDING.—An eligible entity, as part of the application described in this section, shall submit a preliminary memorandum of understanding, signed by each partner entity or agency. The preliminary memorandum of understanding shall describe, at a minimum—

“(1) each partner’s financial and programmatic commitment with respect to the strategies described in the application, including an identification of the fiscal agent;

“(2) each partner’s long-term commitment to providing pipeline services that, at a minimum, accounts for the cost of supporting the continuum of supports and services (including a plan for how to support services and activities after grant funds are no longer available) and potential changes in local government;

“(3) each partner’s mission and the plan that will govern the work that the partners do together;

“(4) each partner’s long-term commitment to supporting the continuum of supports and services through data collection, monitoring, reporting, and sharing; and

“(5) each partner’s commitment to ensure sound fiscal management and controls, including evidence of a system of supports and personnel.

**“SEC. 5916. USE OF FUNDS.**

“(a) IN GENERAL.—Each eligible entity that receives a grant under this part shall use the grant funds to—

“(1) support planning activities to develop and implement pipeline services;

“(2) implement the pipeline services, as described in the application under section 5915; and

“(3) continuously evaluate the success of the program and improve the program based on data and outcomes.

“(b) SPECIAL RULES.—

“(1) FUNDS FOR PIPELINE SERVICES.—Each eligible entity that receives a grant under this part, for the first and second year of the grant, shall use not less than 50 percent of the grant funds to carry out the activities described in subsection (a)(1).

“(2) OPERATIONAL FLEXIBILITY.—Each eligible entity that operates a school in a neighborhood served by a grant program under this part shall provide such school with the operational flexibility, including autonomy over staff, time, and budget, needed to effectively carry out the activities described in the application under section 5915.

“(3) LIMITATION ON USE OF FUNDS FOR EARLY CHILDHOOD EDUCATION PROGRAMS.—Funds under this part that are used to improve early childhood education programs shall not be used to carry out any of the following activities:

“(A) Assessments that provide rewards or sanctions for individual children or teachers.

“(B) A single assessment that is used as the primary or sole method for assessing program effectiveness.

“(C) Evaluating children, other than for the purposes of improving instruction, classroom environment, professional development, or parent and family engagement, or program improvement.

**“SEC. 5917. REPORT AND PUBLICLY AVAILABLE DATA.**

“(a) REPORT.—Each eligible entity that receives a grant under this part shall prepare

and submit an annual report to the Secretary, which shall include—

“(1) information about the number and percentage of children in the neighborhood who are served by the grant program, including a description of the number and percentage of children accessing each support or service offered as part of the pipeline services;

“(2) information relating to the performance metrics described in section 5918(a); and

“(3) other indicators that may be required by the Secretary, in consultation with the Director of the Institute of Education Sciences.

“(b) PUBLICLY AVAILABLE DATA.—Each eligible entity that receives a grant under this part shall make publicly available, including through electronic means, the information described in subsection (a). To the extent practicable, such information shall be provided in a form and language accessible to parents and families in the neighborhood, and such information shall be a part of statewide longitudinal data systems.

**“SEC. 5918. PERFORMANCE ACCOUNTABILITY AND EVALUATION.**

“(a) PERFORMANCE METRICS.—Each eligible entity that receives a grant under this part shall collect data on performance indicators of pipeline services and family and student supports and report the results to the Secretary, who shall use the results as a consideration in continuing grants after the third year and in awarding grant renewals. The indicators shall, at a minimum, include the following:

“(1) Evidence of increasing qualifications for staff in early care and education programs attended by children in the neighborhood.

“(2) With respect to the children served by the grant—

“(A) the percentage of children who are ready for kindergarten, as measured by a comprehensive developmental screening instrument;

“(B) the percentage of school-age children proficient in core academic subjects;

“(C) evidence of narrowing student achievement gaps among the categories described in section 1111(b)(2)(B)(xi);

“(D) the percentage of children who are reading at grade level by the end of grade 3;

“(E) the percentage of children who successfully transition from grade 8 to grade 9;

“(F) for each school year during the grant period, the percentage of students in prekindergarten, elementary school, and secondary school who miss more than 10 percent of school days for any reason, excused or unexcused, and the number and percentage of students who are suspended or expelled for any reason, starting in prekindergarten;

“(G) the percentage of children who graduate with a high school diploma;

“(H) the percentage of children who enter postsecondary education and remain after 1 year;

“(I) the percentage of children who are healthy, as measured by a child-health index that includes cognitive, nutritional, physical, social, mental-health, and emotional domains;

“(J) the percentage of children who feel safe, as measured by a school climate survey;

“(K) rates of student mobility and homelessness;

“(L) opportunities for family members of children to receive education and job training; and

“(M) the percentage of children who have digital literacy skills and access to broadband internet and a connected computing device at home and at school.

“(b) EVALUATION.—The Secretary shall evaluate the implementation and impact of

the activities funded under this part, in accordance with section 9601.

**“SEC. 5919. NATIONAL ACTIVITIES.**

“From the amounts appropriated to carry out this part for a fiscal year, in addition to the amounts that may be reserved in accordance with section 9601, the Secretary may reserve not more than 8 percent for national activities, which may include—

“(1) research on the activities carried out under this part;

“(2) identification and dissemination of best practices, including through support for a community of practice;

“(3) technical assistance, including assistance relating to family and community engagement and outreach to potential partner organizations;

“(4) professional development, including development of materials related to professional development; and

“(5) other activities consistent with the purpose of this part.

**“SEC. 5920. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.”

**SA 2137.** Mr. PORTMAN (for himself and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 69, between lines 16 and 17, insert the following:

“(N) how the State educational agency will demonstrate a coordinated plan to seamlessly transition students from secondary school into postsecondary education or careers without remediation, including a description of the specific transition activities that the State educational agency will carry out, such as providing students with access to early college high school or dual or concurrent enrollment opportunities;

On page 106, line 3, insert “early college high school or” after “access to”.

On page 314, between lines 21 and 22, insert the following:

“(C) providing teachers, principals, and other school leaders with professional development activities that enhance or enable the provision of postsecondary coursework through dual or concurrent enrollment and early college high school settings across a local educational agency.

**SA 2138.** Ms. KLOBUCHAR (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 370, between lines 18 and 19, insert the following:

“(3) STEM-FOCUSED SPECIALTY SCHOOL.—The term ‘STEM-focused specialty school’ means a school, or a dedicated program within a school, that engages students in rigorous, relevant, and integrated learning experiences focused on science, technology, engineering, and mathematics, which include authentic school-wide research.

On page 382, line 12, strike the period and insert the following: “; and

“(viii) support the creation and enhancement of STEM-focused specialty schools that improve student academic achievement in science, technology, engineering, and mathematics, including computer science, and prepare more students to be ready for postsecondary education and careers in such subjects.

Beginning on page 384, strike line 3 and all that follows through line 23 on page 384 and insert the following:

“(c) EVALUATION AND MANAGEMENT.—The Secretary shall—

“(1) acting through the Director of the Institute of Education Sciences, and in consultation with the Director of the National Science Foundation—

“(A) evaluate the implementation and impact of the activities supported under this part, including progress measured by the metrics established under subsection (a); and

“(B) identify best practices to improve instruction in science, technology, engineering, and mathematics subjects;

“(2) disseminate, in consultation with the National Science Foundation, research on best practices to improve instruction in science, technology, engineering, and mathematics subjects;

“(3) ensure that the Department is taking appropriate action to—

“(A) identify all activities being supported under this part; and

“(B) avoid unnecessary duplication of efforts between the activities being supported under this part and other programmatic activities supported by the Department or by other Federal agencies; and

“(4) develop a rigorous system to—

“(A) identify the science, technology, engineering, and mathematics education-specific needs of States and stakeholders receiving funds through subgrants under this part;

“(B) make public and widely disseminate programmatic activities relating to science, technology, engineering, and mathematics that are supported by the Department or by other Federal agencies; and

“(C) develop plans for aligning the programmatic activities supported by the Department and other Federal agencies with the State and stakeholder needs.

**SA 2139.** Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; as follows:

On page 185, between lines 18 and 19, insert the following:

**SEC. 1011A. SCHOLARSHIPS FOR KIDS PROGRAM.**

(a) IN GENERAL.—Part A of title I (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:

**“Subpart 3—Scholarships for Kids Program**

**“SEC. 1131. PURPOSE.**

“The purpose of this subpart is to improve the academic achievement of the disadvantaged by encouraging State efforts to expand the educational choices available to low-income students.

**“SEC. 1132. SCHOLARSHIPS FOR KIDS PROGRAM.**

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE CHILD.—

“(A) IN GENERAL.—The term ‘eligible child’ means a child residing in a participating State who—

“(i) is not older than 21;

“(ii) is entitled to a free public education through grade 12; and

“(iii)(I) is from a family with an income below the poverty level; or

“(II) is a child described in subparagraph (B).

“(B) EXCEPTION FOR CONTINUING ELIGIBILITY.—A participating State may elect to serve a child as an eligible child under an approved program under this section if—

“(i) such child was an eligible child described in subparagraph (A) during the previous fiscal year;

“(ii) such child is from a family with an income that is not greater than 200 percent of the poverty level on the basis of the most recent satisfactory data published by the Department of Commerce for the preceding year; and

“(iii) the State educational agency has determined that the child qualifies for continuing eligibility, as defined by the participating State in its declaration of intent under subsection (d).

“(C) CRITERIA OF POVERTY.—In determining if a family has an income below the poverty level for purposes of this section, a State shall use the poverty threshold, for the most recently completed calendar year, most recently published by the Bureau of the Census.

“(2) PARTICIPATING STATE.—The term ‘participating State’ means a State whose declaration of intent to exercise the State option for a Scholarships for Kids program is approved by the Secretary as described in subsection (d).

“(3) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(4) SUPPLEMENTAL EDUCATIONAL SERVICES PROGRAM.—The term ‘supplemental educational services program’ means a program providing tutoring and other supplemental academic enrichment services that are—

“(A) in addition to instruction provided during the school day; and

“(B) are of high-quality, evidence-based, and specifically designed to increase the academic achievement of eligible children, as determined by the State.

“(b) SCHOLARSHIPS FOR KIDS PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—Notwithstanding any other provision of law and to the extent permitted under State law, a participating State may use the funds made available under subpart 2 to carry out a Scholarships for Kids program in accordance with subsection (c).

“(2) INAPPLICABILITY OF OTHER REQUIREMENTS.—Notwithstanding any other provision of law, a participating State carrying out a Scholarships for Kids program that meets the requirements of this section, and the local educational agencies in such State, shall not be required to meet any other requirements under this Act or any other law, except as provided in paragraph (3), in order to receive funds under subpart 2.

“(3) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND REPORTING ON PERFORMANCE DISAGGREGATED BY STUDENT SUBGROUP.—A participating State carrying out a Scholarships for Kids program that meets the requirements of this section, and the local educational agencies in such State, shall comply with paragraphs (1) and (2) of subsection (b), and subsection (d), of section 1111, and with the requirements of subpart 2 of part F of title IX (except for section 9521).

“(c) USE OF FUNDS.—

“(1) STUDENT GRANTS.—

“(A) IN GENERAL.—Each participating State shall use the funds made available under section 1122 and not reserved under paragraph (2) or (3) to carry out a Scholarships for Kids program, under which the State shall—

“(i) establish a per-pupil amount for the grants under this section, based on the num-

ber of eligible children in the State, as described in subparagraph (B); and

“(ii) make a grant available on behalf of each eligible child, in the amount determined under such subparagraph, that the parents of the eligible child may use for any of the following purposes, as allowed by State law:

“(I) To supplement the budget of any public school the eligible child is able to attend without fees.

“(II) To pay for all, or a portion, of any fees required to attend another public school in the participating State.

“(III) To pay for all, or a portion, of the tuition and fees required to attend an accredited or otherwise State-approved private school.

“(IV) To pay for all, or a portion, of the fees required to participate in a State-approved supplemental educational services program.

“(B) CALCULATION OF GRANT AMOUNTS.—Each participating State shall calculate the amount of the grant to be awarded to each eligible child for each fiscal year by dividing the allocation to the participating State under this subpart remaining after the participating State reserves any funds under paragraph (2) or (3), by the total number of eligible children, as determined by the participating State.

“(2) ADMINISTRATIVE EXPENSES.—A participating State may reserve not more than 3 percent of its allocation under section 1122 for administrative costs associated with carrying out the participating State’s duties and functions under this section, including—

“(A) certifying the eligibility of children living in the participating State;

“(B) disseminating information to parents of eligible children about public schools, private schools, and programs of supplemental educational services that are available to eligible children in the participating State;

“(C) paying the costs of administering any tests required to be administered to eligible children participating in the program; and

“(D) providing subgrants to local educational agencies in the participating State for any of these purposes.

“(3) TRANSPORTATION FOR ELIGIBLE CHILDREN.—A participating State may reserve not more than 2 percent of its allocation under section 1122 to provide transportation for eligible children to the public school, private school, or supplemental educational services program the eligible children attend in accordance with paragraph (1)(A)(ii).

“(d) STATE DECLARATION OF INTENT.—

“(1) IN GENERAL.—In order to carry out a Scholarships for Kids program under this section, a State educational agency shall submit a declaration of intent to exercise the State option for a Scholarships for Kids program to the Secretary that satisfies the requirements of this subsection.

“(2) CONTENTS.—Each declaration of intent submitted under paragraph (1) shall provide the following:

“(A) A description of the program to be administered under this section, including the per-student amount calculated under subsection (c)(1)(B) that will follow each eligible child to the school or supplemental educational services program the eligible child attends.

“(B) An assurance that funds made available under this section will be spent in accordance with the requirements of this section.

“(C)(i) An assurance that the State will provide a parent of each eligible child within the State who receives or is offered a grant under this section with the option to use grant funds for 1 (or more than 1 if the parent so chooses) of any of the following, as allowed by State law:

“(I) To supplement the budget of any public school the eligible child is able to attend without fees.

“(II) To pay for all, or a portion, of any fees required to attend another public school in the participating State.

“(III) To pay for all, or a portion, of the tuition and fees to attend an accredited or otherwise State-approved private school.

“(IV) To pay for all, or a portion, of the fees required to participate in a supplemental educational services program.

“(ii) A description of the procedures the State will implement to carry out the requirements of clause (i), including any accreditation or other method by which the State will approve private schools and providers of supplemental educational services programs to accept grant funds under this section.

“(D) An assurance that the State will publish, in a widely read or distributed medium, an annual report that contains—

“(i) the number of students, schools, and providers of programs of supplemental educational services that participated in the program assisted under this section;

“(ii) information regarding the academic progress of students receiving a grant under this section in meeting challenging State academic standards under section 1111(b)(1), if the State requires that students receiving a grant participate in the academic assessments administered under section 1111(b)(2); and

“(iii) such other information as the State may require.

“(E) A description of how the State will define continuing eligibility with respect to children who have participated in the State’s Scholarships for Kids program for the preceding year, in accordance with subsection (a)(1)(B).

“(F) An assurance that the State will assist each local educational agency, public school, and participating private school affected by the State declaration of intent to meet the requirements of this section.

“(G) An assurance that the State will use Federal funds awarded as grants to eligible children under this section to supplement any funds from non-Federal sources that would, in the absence of such Federal funds, be made available to such students or to the schools or programs of supplemental educational services the students attend, and not to supplant such funds.

“(H) An assurance that the State will comply with the requirements of paragraphs (1) and (2) of subsection (b), and subsection (d), of section 1111.

“(I) An assurance that the State will participate in biennial State academic assessments in grades 4 and 8 in reading and mathematics under the National Assessment of Educational Progress carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act if the Secretary pays the costs of administering such assessments.

“(3) REVIEW AND APPROVAL BY THE SECRETARY.—

“(A) IN GENERAL.—The Secretary shall—

“(i) establish a process to review the declarations of intent received from States under this subsection; and

“(ii) by not later than 30 days after the submission of a State declaration of intent, approve the State declaration or, if the Secretary clearly demonstrates that the State declaration of intent does not meet the requirements of this subsection, carry out the requirements of paragraph (4).

“(B) STANDARD AND NATURE OF REVIEW.—The Secretary shall conduct a good faith review of State declarations of intent in their totality and in deference to State and local



judgments, with the goal of promoting parental choice.

“(4) STATE DECLARATION OF INTENT DETERMINATION, DEMONSTRATION, AND REVISION.—If the Secretary determines that a State declaration of intent does not meet the requirements of this subsection, the Secretary shall, prior to disapproving the declaration of intent—

“(A) immediately notify the State of the determination;

“(B) provide to the State a detailed description of the specific requirements of this subsection that the Secretary determined were not met in the declaration of intent;

“(C) offer the State an opportunity to revise and resubmit its declaration of intent within 30 days of the determination;

“(D) provide technical assistance, upon request of the State, in order to assist the State in meeting the requirements of this subsection; and

“(E) provide an opportunity for a public hearing not later than 30 days after receiving from the State a revised declaration of intent, with public notice provided not less than 15 days before the hearing.

“(5) STATE DECLARATION OF INTENT DISAPPROVAL.—The Secretary shall have the authority to disapprove a State declaration of intent if—

“(A) the State has been notified and offered an opportunity to revise and resubmit the declaration of intent with technical assistance, in accordance with paragraph (4); and

“(B)(i) the State does not submit a revised declaration of intent; or

“(ii) the State submits a revised declaration of intent that the Secretary determines, after an opportunity for a hearing conducted in accordance with paragraph (4)(E), does not meet the requirements of this subsection.

“(6) RECOGNITION BY OPERATION OF LAW.—If the Secretary fails to take action on a declaration of intent submitted by a State within the time specified in paragraph (3)(A)(ii), the declaration of intent, as submitted, shall be deemed to be approved.

“(7) LIMITATIONS.—The Secretary shall not have the authority to require a State, as a condition of approval of the State declaration of intent under this subsection, to—

“(A) submit any standards for academic content or student academic achievement for review or approval;

“(B) enter into a voluntary partnership with another State to develop and implement academic assessments, challenging State academic standards, and accountability systems;

“(C) include in, or delete from, such a declaration of intent any criterion that specifies, describes, or prescribes any standard or measure that the State uses to establish, implement, or improve—

“(i) the challenging State academic standards;

“(ii) assessments;

“(iii) State accountability systems;

“(iv) systems that measure student growth;

“(v) measures of other academic indicators; or

“(vi) teacher and principal evaluation systems; or

“(D) require the collection, publication, or transmission to the Department of individual student data that is not expressly required to be collected under this Act.

“(e) ACCOUNTABILITY FOR ACADEMIC PROGRESS.—A participating State may require each eligible child receiving a grant under this section to take academic assessments implemented by the State educational agency under section 1111(b)(2) or an alternative assessment approved by the State educational agency of the participating

State, if the participating State pays any costs associated with administering the assessment.

“(f) NONDISCRIMINATION AND OTHER REQUIREMENTS FOR SCHOOLS AND PROVIDERS OF SUPPLEMENTAL EDUCATIONAL SERVICES PROGRAMS.—

“(1) NONDISCRIMINATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a school or provider of a supplemental educational services program that participates in a program under this section by accepting grant funds under this section on behalf of an eligible child under this section shall agree to not discriminate against program participants or applicants on the basis of race, color, national origin, religion, or sex.

“(B) EXCEPTIONS.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, the prohibition of sex discrimination in subparagraph (A) shall not apply to a participating school that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of subparagraph (A) is inconsistent with the religious tenets or beliefs of the school.

“(ii) SINGLE-SEX SCHOOL, CLASS, OR ACTIVITY.—Notwithstanding subparagraph (A) or any other provision of law, a parent may choose, and a school may offer, a single-sex school, class, or activity.

“(C) APPLICABILITY.—Section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) shall apply to this section as if such section 909 were part of this section.

“(2) CHILDREN WITH DISABILITIES.—Nothing in this section shall be construed to alter or modify the Individuals with Disabilities Education Act.

“(3) RULES OF CONDUCT AND OTHER SCHOOL POLICIES.—A participating school or provider of supplemental educational services may require eligible children attending the school or receiving the services, respectively, to abide by any rules of conduct or other requirements applicable to all other students served by the school or the provider of supplemental educational services.

“(4) RELIGIOUSLY AFFILIATED SCHOOLS AND PROVIDERS OF SUPPLEMENTAL EDUCATIONAL SERVICES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, a school or provider of supplemental educational services participating in a program under this section that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise its right in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1 et seq.), including the exemptions in such title.

“(B) MAINTENANCE OF PURPOSE.—Notwithstanding any other provision of law, funds made available under this section to eligible students that are received by a participating school or supplemental educational services provider, as a result of their parents' choice, shall not, consistent with the first amendment of the Constitution of the United States—

“(i) necessitate any change in the participating school's teaching mission;

“(ii) require any participating school to remove religious art, icons, scriptures, or other symbols; or

“(iii) preclude any participating school from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents.

“(g) NATIONAL PROGRAM ASSESSMENT.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Institute of Educational Sciences, shall carry out a national

assessment of activities carried out with Federal funds under this section in order—

“(A) to determine the effectiveness of this section in achieving the purposes of this section; and

“(B) to provide timely information to the President, Congress, the States, local educational agencies, and the public on how to implement this section more effectively, including recommendations for legislative and administrative action that can achieve the purposes of this section more effectively.

“(2) SCOPE OF ASSESSMENT.—The national assessment shall assess activities supported under this section, including—

“(A) the implementation of programs assisted under this section by participating States and the impact of such programs on improving the academic achievement of low-income children to meet the challenging State academic standards adopted by the participating States under section 1111(b)(1), based on the State academic assessments adopted under section 1111(b)(2), to the extent applicable;

“(B) the types of programs and services in participating States that have demonstrated the greatest effectiveness in helping low-income students reach the challenging State academic standards developed by the participating States; and

“(C) the effectiveness of States, local educational agencies, schools, and other recipients of assistance under this section in achieving the purposes of this section, by—

“(i) improving the academic achievement of low-income children and their performance on State assessments, where applicable, as compared with other children; and

“(ii) improving the participation of parents of low-income children in the education of their children.

“(3) SOURCES OF INFORMATION AND DATA COLLECTION.—

“(A) IN GENERAL.—In conducting the assessment under this subsection, the Secretary shall—

“(i) analyze existing data from States required for reports under this Act and the Individuals with Disabilities Education Act, and summarize major findings from such reports; and

“(ii) analyze data from the National Assessment of Educational Progress carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act.

“(B) SPECIAL RULE.—The information and data used to prepare the assessment, as described in subparagraph (A), shall be derived from existing State and local reporting requirements and data sources. Nothing in this paragraph shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary not otherwise explicitly authorized by any other Federal law.

“(4) REPORTS.—

“(A) INTERIM REPORT.—Not later than 3 years after the date of enactment of the Every Child Achieves Act of 2015, the Secretary shall transmit to the President, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, an interim report on the national assessment conducted under this subsection.

“(B) FINAL REPORT.—Not later than 5 years after the date of enactment of the Every Child Achieves Act of 2015, the Secretary shall transmit to the President, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a final report on the

national assessment conducted under this subsection.

“(h) PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.—Nothing in this subsection shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, control, or exercise any direction or supervision over the instructional content or materials, curriculum, program of instruction, challenging State academic standards, or academic assessments of a State, local educational agency, elementary school or secondary school, or provider of supplemental educational services.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1002 (20 U.S.C. 6302), as amended by section 1002 of this Act, is further amended to read as follows:

**“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

“For the purpose of carrying out part A, there are authorized to be appropriated \$23,837,351,000 for fiscal year 2016 and each of the 5 succeeding fiscal years.”.

(c) PROGRAM CONSOLIDATION.—

(1) CONSOLIDATION OF CERTAIN FEDERAL EDUCATION PROGRAMS.—The following provisions are repealed:

(A) Section 1003 and parts B, C, D, and E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(B) Titles II, III, IV, V, VI, and VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq., 6801 et seq., 7101 et seq., 7301 et seq., 7401 et seq.).

(C) Clauses (iii) and (iv) of section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(iii) and (iv)).

(D) The Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

(E) Subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

(F) The Educational Technical Assistance Act of 2002 (20 U.S.C. 9601 et seq.).

(G) Part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1022 et seq.).

(H) Sections 402B and 402C of the Higher Education Act of 1965 (20 U.S.C. 1070a–12, 1070a–13).

(I) Section 410 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630).

(J) Section 1417(j) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)).

(K) Section 4101 of the Patient Protection and Affordable Care Act (42 U.S.C. 280h–4 note).

(L) Section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n).

(M) Section 399Z–1 of the Public Health Service Act (42 U.S.C. 280h–5).

(N) Sections 14005, 14006, and 14007 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 282).

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on October 1, 2016.

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) IN GENERAL.—After consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, each applicable Secretary shall prepare recommended legislation containing technical and conforming amendments to reflect the changes made by this section.

(B) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, each applicable Secretary shall submit the recommended legislation referred to under subparagraph (A) to the appropriate committees of Congress.

(C) DEFINITION OF APPLICABLE SECRETARY.—For purposes of this section, the term “appli-

cable Secretary” means a Secretary with authority over a program or provision of law described in paragraph (1).

**SA 2140.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of part B of title X, add the following:

**SEC. 10234. REPEAL OF DUPLICATIVE INSPECTION AND GRADING PROGRAM.**

(a) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Effective June 18, 2008, section 11016 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2130) is repealed.

(b) AGRICULTURAL ACT OF 2014.—Effective February 7, 2014, section 12106 of the Agricultural Act of 2014 (Public Law 113–79; 128 Stat. 981) is repealed.

(c) APPLICATION.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) shall be applied and administered as if the provisions of law struck by this section had not been enacted.

**SA 2141.** Mr. BENNET (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 622, line 18, insert “such as through entities administering shared services,” after “strategies,”.

On page 624, line 9, insert “which may include the use of shared services models” after “time in program”.

**SA 2142.** Mr. BLUMENTHAL (for himself, Mr. MURPHY, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 267, between lines 17 and 18, insert the following:

“(2) SOCIAL AND EMOTIONAL LEARNING.—The term ‘social and emotional learning’ means the process through which children and adults acquire the knowledge, attitudes, and skills associated with the core areas of social and emotional competency, including—

“(A) self-awareness and self-management to achieve school and life success, such as—

“(i) identifying and recognizing strengths, needs, emotions, values, and self-efficacy;

“(ii) emotion regulation, including impulse control and stress management;

“(iii) self-motivation and discipline; and

“(iv) goal setting and organizational skills;

“(B) social awareness and interpersonal skills to establish and maintain positive relationships, such as perspective taking and respect for others, communication, working cooperatively, negotiation, conflict management, and help-seeking; and

“(C) decisionmaking skills and responsible behaviors in personal, academic, and community contexts, such as situational anal-

ysis, problem solving, reflection, and personal, social, and ethical responsibility.

“(3) SOCIAL AND EMOTIONAL LEARNING PROGRAMMING.—The term ‘social and emotional learning programming’ refers to evidence-based classroom instruction and schoolwide activities and initiatives that—

“(A) integrate social and emotional learning into the school curriculum;

“(B) provide systematic instruction whereby social and emotional skills are taught, modeled, practiced, and applied so that students use the skills as part of the students’ daily behavior;

“(C) teach students to apply social and emotional skills to—

“(i) prevent specific problem behaviors such as substance use, violence, bullying, and school failure; and

“(ii) promote positive behaviors in class, school, and community activities; and

“(D) establish safe and caring learning environments that foster student participation, engagement, and connection to learning, the school, and the community.”.

On page 281, between lines 9 and 10, insert the following:

“(IV) programs that supplement, not supplant training for teachers, principals, other school leaders, or specialized instructional support personnel in practices that have demonstrated effectiveness in improving student achievement, attainment, behavior, and school climate through addressing the social and emotional development needs of students, such as through social and emotional learning programming.”.

On page 302, between lines 17 and 18, insert the following:

“(vi) address the social and emotional development needs of students to improve student achievement, attainment, behavior, and school climate such as through social and emotional learning programming;”.

**SA 2143.** Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title X, insert the following:

**PART C—PROTECTING STUDENT ATHLETES FROM CONCUSSIONS**

**SECTION 10301. SHORT TITLE.**

This part may be cited as the “Protecting Student Athletes from Concussions Act of 2015”.

**SEC. 10302. MINIMUM STATE REQUIREMENTS.**

(a) MINIMUM REQUIREMENTS.—Each State that receives funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and does not meet the requirements described in this section, as of the date of enactment of this part, shall, not later than the last day of the fifth full fiscal year after the date of enactment of this part (referred to in this part as the “compliance deadline”), enact legislation or issue regulations establishing the following minimum requirements:

(1) LOCAL EDUCATIONAL AGENCY CONCUSSION SAFETY AND MANAGEMENT PLAN.—Each local educational agency in the State, in consultation with members of the community in which such agency is located, shall develop and implement a standard plan for concussion safety and management that—

(A) educates students, parents, and school personnel about concussions, through activities such as—

(i) training school personnel, including coaches, teachers, athletic trainers, related

services personnel, and school nurses, on concussion safety and management, including training on the prevention, recognition, and academic consequences of concussions and response to concussions; and

(i) using, maintaining, and disseminating to students and parents—

(I) release forms and other appropriate forms for reporting and record keeping;

(II) treatment plans; and

(III) concussion prevention and post-injury observation and monitoring fact sheets;

(B) encourages supports, where feasible, for a student recovering from a concussion (regardless of whether or not the concussion occurred during school-sponsored activities, during school hours, on school property, or during an athletic activity), such as—

(i) guiding the student in resuming participation in athletic activity and academic activities with the help of a multi-disciplinary concussion management team, which may include—

(I) a health care professional, the parents of such student, a school nurse, relevant related services personnel, and other relevant school personnel; and

(II) an individual who is assigned by a public school to oversee and manage the recovery of such student; and

(ii) providing appropriate academic accommodations aimed at progressively reintroducing cognitive demands on the student; and

(C) encourages the use of best practices designed to ensure, with respect to concussions, the uniformity of safety standards, treatment, and management, such as—

(i) disseminating information on concussion safety and management to the public; and

(ii) applying uniform best practice standards for concussion safety and management to all students enrolled in public schools.

(2)POSTING OF INFORMATION ON CONCUSSIONS.—Each public elementary school and each public secondary school shall post on school grounds, in a manner that is visible to students and school personnel, and make publicly available on the school website, information on concussions that—

(A) is based on peer-reviewed scientific evidence (such as information made available by the Centers for Disease Control and Prevention);

(B) shall include information on—

(i) the risks posed by sustaining a concussion;

(ii) the actions a student should take in response to sustaining a concussion, including the notification of school personnel; and

(iii) the signs and symptoms of a concussion; and

(C) may include information on—

(i) the definition of a concussion;

(ii) the means available to the student to reduce the incidence or recurrence of a concussion; and

(iii) the effects of a concussion on academic learning and performance.

(3)RESPONSE TO CONCUSSION.—If an individual designated from among school personnel for purposes of this part, one of whom shall attend every school-sponsored athletic activity, suspects that a student has sustained a concussion (regardless of whether or not the concussion occurred during school-sponsored activities, during school hours, on school property, or during an athletic activity)—

(A) the student shall be—

(i) immediately removed from participation in a school-sponsored athletic activity; and

(ii) prohibited from returning to participate in a school-sponsored athletic activity on the day such student is removed from participation; and

(B) the designated individual shall report to the parent or guardian of such student—

(i) any information that the designated school employee is aware of regarding the date, time, and type of the injury suffered by such student (regardless of where, when, or how a concussion may have occurred); and

(ii) any actions taken to treat such student.

(4)RETURN TO ATHLETICS.—If a student has sustained a concussion (regardless of whether or not the concussion occurred during school-sponsored activities, during school hours, on school property, or during an athletic activity), before such student resumes participation in school-sponsored athletic activities, the school shall receive a written release from a health care professional, that—

(A) states that the student is capable of resuming participation in such activities; and

(B) may require the student to follow a plan designed to aid the student in recovering and resuming participation in such activities in a manner that—

(i) is coordinated, as appropriate, with periods of cognitive and physical rest while symptoms of a concussion persist; and

(ii) reintroduces cognitive and physical demands on such student on a progressive basis only as such increases in exertion do not cause the reemergence or worsening of symptoms of a concussion.

(b)NONCOMPLIANCE.—

(1)FIRST YEAR.—If a State described in subsection (a) fails to comply with subsection (a) by the compliance deadline, the Secretary of Education shall reduce by 5 percent the amount of funds the State receives under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for the first fiscal year following the compliance deadline.

(2)SUCCEEDING YEARS.—If the State fails to so comply by the last day of any fiscal year following the compliance deadline, the Secretary of Education shall reduce by 10 percent the amount of funds the State receives under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for the following fiscal year.

(3)NOTIFICATION OF NONCOMPLIANCE.—Prior to reducing any funds that a State receives under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) in accordance with this subsection, the Secretary of Education shall provide a written notification of the intended reduction of funds to the State and to the appropriate committees of Congress.

#### SEC. 10303. RULE OF CONSTRUCTION.

Nothing in this part shall be construed to affect civil or criminal liability under Federal or State law.

#### SEC. 10304. DEFINITIONS.

In this part:

(1)CONCUSSION.—The term “concussion” means a type of mild traumatic brain injury that—

(A) is caused by a blow, jolt, or motion to the head or body that causes the brain to move rapidly in the skull;

(B) disrupts normal brain functioning and alters the mental state of the individual, causing the individual to experience—

(i) any period of observed or self-reported—

(I) transient confusion, disorientation, or impaired consciousness;

(II) dysfunction of memory around the time of injury; or

(III) loss of consciousness lasting less than 30 minutes; or

(ii) any 1 of 4 types of symptoms, including—

(I) physical symptoms, such as headache, fatigue, or dizziness;

(II) cognitive symptoms, such as memory disturbance or slowed thinking;

(III) emotional symptoms, such as irritability or sadness; or

(IV) difficulty sleeping; and

(C) can occur—

(i) with or without the loss of consciousness; and

(ii) during participation in any organized sport or recreational activity.

(2)HEALTH CARE PROFESSIONAL.—The term “health care professional”—

(A) means an individual who has been trained in diagnosis and management of traumatic brain injury in a pediatric population; and

(B) includes a physician (M.D. or D.O.), certified athletic trainer, or physical therapist who is registered, licensed, certified, or otherwise statutorily recognized by the State to provide such diagnosis and management.

(3)LOCAL EDUCATIONAL AGENCY; STATE.—The terms “local educational agency” and “State” have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4)RELATED SERVICES PERSONNEL.—The term “related services personnel” means individuals who provide related services, as defined under section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(5)SCHOOL-SPONSORED ATHLETIC ACTIVITY.—The term “school-sponsored athletic activity” means—

(A) any physical education class or program of a school;

(B) any athletic activity authorized during the school day on school grounds that is not an instructional activity;

(C) any extra-curricular sports team, club, or league organized by a school on or off school grounds; and

(D) any recess activity.

**SA 2144.** Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of part B of title X, add the following:

#### SEC. 10202. RESOURCES FOR IMPROVED SCIENCE EDUCATION.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration shall provide States and local educational agencies with balanced, objective resources on climate theory to promote improved science education for students in kindergarten through grade 12, including materials regarding—

(1) the natural causes and cycles of climate change;

(2) the uncertainties inherent in climate modeling; and

(3) the myriad factors that influence the climate of the Earth.

(b) RESOURCES.—The resources provided under subsection (a) shall be—

(1) in addition to any climate theory resources the Administrator of the Environmental Protection Agency or the Administrator of the National Oceanic and Atmospheric Administration are providing to States or local educational agencies on the day before the date of enactment of this Act; and

(2) made available to promote open classroom discussion that builds student skills in scientific reasoning, critical thinking, and independent thought.

**SA 2145.** Ms. AYOTTE (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 430, between lines 6 and 7, insert the following:

“(ix) designing and implementing evidence-based mental health awareness training programs for the purposes of—

“(I) recognizing the signs and symptoms of mental illness;

“(II) providing education to school personnel regarding resources available in the community for students with mental illnesses and other relevant resources relating to mental health; or

“(III) providing education to school personnel regarding the safe de-escalation of crisis situations involving a student with a mental illness; and

**SA 2146.** Mr. COTTON (for himself, Mr. SESSIONS, and Mr. CRUZ) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of part B of title X, add the following:

**SEC. 10204. SANCTUARY CITIES.**

(a) **SANCTUARY CITY DEFINED.**—In this section, the term “sanctuary city” means a State or a political subdivision of a State that has in effect a statute, policy, or practice that prohibits law enforcement officers of the State, or of the political subdivision, from assisting or cooperating with Federal immigration law enforcement in the course of carrying out the officers’ routine law enforcement duties.

(b) **INELIGIBILITY FOR FUNDS AND GRANTS.**—

(1) **IN GENERAL.**—A sanctuary city shall not be eligible to receive, for a minimum period of at least 1 year—

(A) any of the funds that would otherwise be allocated to the State or political subdivision under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) or the ‘Cops on the Beat’ program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.); or

(B) any other law enforcement or Department of Homeland Security grant.

(2) **TERMINATION OF INELIGIBILITY.**—A jurisdiction that is found to be a sanctuary city shall only become eligible to receive funds or grants under paragraph (1) after the Attorney General certifies that the jurisdiction is no longer a sanctuary city.

(c) **ANNUAL DETERMINATION AND REPORT.**—

(1) **ANNUAL DETERMINATION.**—Not later than March 1 of each year, the Secretary of Homeland Security shall determine which States or political subdivisions of a State are sanctuary cities and shall report to Congress such determinations.

(2) **REPORTS.**—The Attorney General shall issue a report concerning the compliance of any particular State or political subdivision of a State at the request of the Committee on the Judiciary of the Senate or the Committee on the Judiciary of the House of Representatives.

(d) **REALLOCATION.**—Any funds that are not allocated to a sanctuary city, due to the ju-

isdiction’s designation as a sanctuary city, shall be reallocated to States and political subdivisions of States that are not sanctuary cities.

(e) **CONSTRUCTION.**—Nothing in this section may be construed to require law enforcement officials from a State or a political subdivision of a State to report or arrest victims or witnesses of a criminal offense.

(f) **EFFECTIVE DATE.**—This section shall take effect on the date of the enactment of this Act.

**SA 2147.** Mr. PORTMAN (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 422, line 22, insert “recovery support services,” after “referral.”

On page 439, line 16, insert “recovery support services,” after “mentoring.”

**SA 2148.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 70, line 3, strike the period and insert the following: “; and

“(iii) use funds under this part to implement statewide efforts to expand and replicate highly performing, low-income charter schools, magnet schools, and traditional public schools.

**SA 2149.** Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 799, between lines 17 and 18, insert the following:

**SEC. 9114A. APPLICATION FOR COMPETITIVE GRANTS FROM THE BUREAU OF INDIAN EDUCATION.**

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 4001(3) and 9114 and redesignated by section 9106(1), is further amended by adding at the end the following:

**“SEC. 9539. APPLICATION FOR COMPETITIVE GRANTS FROM THE BUREAU OF INDIAN EDUCATION.**

“(a) **IN GENERAL.**—Notwithstanding any other provision of this Act and subject to subsection (b), the Bureau of Indian Education may apply for, and carry out, any grant program awarded on a competitive basis under this Act, as appropriate, on behalf of the schools and the Indian children that the Bureau serves, and shall not be subject to any provision of the program that requires grant recipients to contribute funds toward the costs of the grant program.

“(b) **LIMITATION.**—In the case of any competitive grant program described in subsection (a) that also provides a reservation of funds to the Bureau of Indian Education, the Bureau shall not, for any fiscal year, receive both a grant and a reservation under the competitive grant program.”

**SA 2150.** Mrs. FEINSTEIN (for herself, Mr. CORNYN, and Mr. GARDNER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 403, strike line 15 and insert the following:

“(B) intensified instruction, which may include linguistically responsive materials; and

“(C) bilingual paraprofessionals, which may include interpreters and translators.

**SA 2151.** Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 287, between lines 8 and 9, insert the following:

“(J) A description of actions the State will take to improve preparation programs and strengthen support for principals and other school leaders based on the needs of the State, as identified by the State educational agency.

**SA 2152.** Mr. CASEY (for himself, Mrs. MURRAY, Mr. HIRONO, Mr. DURBIN, Mr. MURPHY, Mr. HEINRICH, Ms. BALDWIN, Mr. UDALL, Mr. SCHATZ, Ms. MIKULSKI, Mr. FRANKEN, Mr. MARKEY, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. WYDEN, Mr. COONS, Ms. WARREN, Ms. CANTWELL, Mr. SCHUMER, Mrs. SHAHEEN, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**PART C—UNIVERSAL PREKINDERGARTEN  
Subpart A—Prekindergarten Access**

**SEC. 10300. SHORT TITLE.**

This part may be cited as the “Strong Start for America’s Children Act of 2015”.

**SEC. 10301. PURPOSES.**

The purposes of this subpart are to—

(1) establish a Federal-State partnership to provide access to high-quality public prekindergarten programs for all children from low-income and moderate-income families to ensure that they enter kindergarten prepared for success;

(2) broaden participation in such programs to include children from additional middle-class families;

(3) promote access to high-quality kindergarten, and high-quality early childhood education programs and settings for children; and

(4) increase access to appropriate supports so children with disabilities and other children who need specialized supports can fully participate in high-quality early education programs.

**SEC. 10302. DEFINITIONS.**

In this subpart:

(1) **CHILD WITH A DISABILITY.**—The term “child with a disability” means—

(A) a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401); or

(B) an infant or toddler with a disability, as defined in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

(2) **COMPREHENSIVE EARLY LEARNING ASSESSMENT SYSTEM.**—The term “comprehensive early learning assessment system”—

(A) means a coordinated and comprehensive system of multiple assessments, each of which is valid and reliable for its specified purpose and for the population with which it will be used, that—

(i) organizes information about the process and context of young children’s learning and development to help early childhood educators make informed instructional and programmatic decisions; and

(ii) conforms to the recommendations of the National Research Council reports on early childhood; and

(B) includes, at a minimum—

(i) child screening measures to identify children who may need follow-up services to address developmental, learning, or health needs in, at a minimum, areas of physical health, behavioral health, oral health, child development, vision, and hearing;

(ii) child formative assessments;

(iii) measures of environmental quality; and

(iv) measures of the quality of adult-child interactions.

(3) **DUAL LANGUAGE LEARNER.**—The term “dual language learner” means an individual who is limited English proficient.

(4) **EARLY CHILDHOOD EDUCATION PROGRAM.**—The term “early childhood education program” has the meaning given the term under section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(5) **ELEMENTARY SCHOOL.**—The term “elementary school” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) **ELIGIBILITY DETERMINATION DATE.**—The term “eligibility determination date” means the date used to determine eligibility for public elementary school in the community in which the eligible local entity involved is located.

(7) **ELIGIBLE LOCAL ENTITY.**—The term “eligible local entity” means—

(A) a local educational agency, including a charter school or a charter management organization that acts as a local educational agency, or an educational service agency in partnership with a local educational agency;

(B) an entity (including a Head Start program or licensed child care setting) that carries out, administers, or supports an early childhood education program; or

(C) a consortium of entities described in subparagraph (A) or (B).

(8) **FULL-DAY.**—The term “full-day” means a day that is—

(A) equivalent to a full school day at the public elementary schools in a State; and

(B) not less than 5 hours a day.

(9) **GOVERNOR.**—The term “Governor” means the chief executive officer of a State.

(10) **HIGH-QUALITY PREKINDERGARTEN PROGRAM.**—The term “high-quality prekindergarten program” means a prekindergarten program supported by an eligible local entity that includes, at a minimum, the following elements based on nationally recognized standards:

(A) Serves children who—

(i) are age 4 or children who are age 3 or 4, by the eligibility determination date (including children who turn age 5 while attending the program); or

(ii) have attained the legal age for State-funded prekindergarten.

(B) Requires high qualifications for staff, including that teachers meet the requirements of 1 of the following clauses:

(i) The teacher has a bachelor’s degree in early childhood education or a related field with coursework that demonstrates competence in early childhood education.

(ii) The teacher—

(I) has a bachelor’s degree in any field;

(II) has demonstrated knowledge of early childhood education by passing a State-approved assessment in early childhood education;

(III) while employed as a teacher in the prekindergarten program, is engaged in ongoing professional development in early childhood education for not less than 2 years; and

(IV) not more than 4 years after starting employment as a teacher in the prekindergarten program, enrolls in and completes a State-approved educator preparation program in which the teacher receives training and support in early childhood education.

(iii) The teacher has bachelor’s degree with a credential, license, or endorsement that demonstrates competence in early childhood education.

(C) Maintains an evidence-based maximum class size.

(D) Maintains an evidence-based child to instructional staff ratio.

(E) Offers a full-day program.

(F) Provides developmentally appropriate learning environments and evidence-based curricula that are aligned with the State’s early learning and development standards described in section 10305(1).

(G) Offers instructional staff salaries comparable to kindergarten through grade 12 teaching staff.

(H) Provides for ongoing monitoring and program evaluation to ensure continuous improvement.

(I) Offers accessible comprehensive services for children that include, at a minimum—

(i) screenings for vision, hearing, dental, health (including mental health), and development (including early literacy and math skill development) and referrals, and assistance obtaining services, when appropriate;

(ii) family engagement opportunities that take into account home language, such as parent conferences (including parent input about their child’s development) and support services, such as parent education, home visiting, and family literacy services;

(iii) nutrition services, including nutritious meals and snack options aligned with requirements set by the most recent Child and Adult Care Food Program guidelines promulgated by the Department of Agriculture as well as regular, age-appropriate, nutrition education for children and their families;

(iv) programs in coordination with local educational agencies and entities providing services and supports authorized under part B and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.; 1431 et seq.) to ensure the full participation of children with disabilities;

(v) physical activity programs aligned with evidence-based guidelines, such as those recommended by the Institute of Medicine, and which take into account and accommodate children with disabilities;

(vi) additional support services, as appropriate, based on the findings of the community assessment, as described in section 10311(b)(4); and

(vii) on-site coordination, to the maximum extent practicable.

(J) Provides high-quality professional development for all staff, including regular in-classroom observation for teachers and

teacher assistants by individuals trained in such observation and which may include evidence-based coaching.

(K) Meets the education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act (42 U.S.C. 9836a(a)(1)(B)).

(L) Maintains evidence-based health and safety standards.

(M) Maintains disciplinary policies that do not include expulsion or suspension of participating children, except as a last resort in extraordinary circumstances where—

(i) there is a determination of a serious safety threat; and

(ii) policies are in place to provide appropriate alternative early educational services to expelled or suspended children while they are out of school.

(11) **HOMELESS CHILD.**—The term “homeless child” means a child or youth described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)).

(12) **INDIAN TRIBE; TRIBAL ORGANIZATION.**—The terms “Indian tribe” and “tribal organization” have the meanings given the terms in 658P of the Child Care and Development Block Grant of 1990 (42 U.S.C. 9858n).

(13) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(14) **LIMITED ENGLISH PROFICIENT.**—The term “limited English proficient” has the meaning given the term in section 637 of the Head Start Act (42 U.S.C. 9832).

(15) **LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY; EDUCATIONAL SERVICE AGENCY.**—The terms “local educational agency”, “State educational agency”, and “educational service agency” have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(16) **MIGRATORY CHILD.**—The term “migratory child” has the meaning given the term in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399).

(17) **OUTLYING AREA.**—The term “outlying area” means each of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands.

(18) **POVERTY LINE.**—The term “poverty line” means the official poverty line (as defined by the Office of Management and Budget)—

(A) adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor for the most recent 12-month period or other interval for which the data are available; and

(B) applicable to a family of the size involved.

(19) **SECONDARY SCHOOL.**—The term “secondary school” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(20) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(21) **STATE.**—Except as otherwise provided in this subpart, the term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

(22) **STATE ADVISORY COUNCIL ON EARLY CHILDHOOD EDUCATION AND CARE.**—The term “State Advisory Council on Early Childhood Education and Care” means the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)).

**SEC. 10303. PROGRAM AUTHORIZATION.**

From amounts made available to carry out this subpart, the Secretary, in consultation with the Secretary of Health and Human Services, shall award grants to States to implement high-quality prekindergarten programs, consistent with the purposes of this subpart described in section 10301. For each fiscal year, the funds provided under a grant to a State shall equal the allotment determined for the State under section 10304.

**SEC. 10304. ALLOTMENTS AND RESERVATIONS OF FUNDS.**

(a) **RESERVATION.**—From the amount made available each fiscal year to carry out this subpart, the Secretary shall—

(1) reserve not less than 1 percent and not more than 2 percent for payments to Indian tribes and tribal organizations;

(2) reserve one-half of 1 percent for the outlying areas to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this subpart;

(3) reserve one-half of 1 percent for eligible local entities that serve children in families who are engaged in migrant or seasonal agricultural labor; and

(4) reserve not more than 1 percent or \$30,000,000, whichever amount is less, for national activities, including administration, technical assistance, and evaluation.

(b) **ALLOTMENTS.**—

(1) **IN GENERAL.**—From the amount made available each fiscal year to carry out this subpart and not reserved under subsection (a), the Secretary shall make allotments to States in accordance with paragraph (2) that have submitted an approved application.

(2) **ALLOTMENT AMOUNT.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary shall allot the amount made available under paragraph (1) for a fiscal year among the States in proportion to the number of children who are age 4 who reside within the State and are from families with incomes at or below 200 percent of the poverty line for the most recent year for which satisfactory data are available, compared to the number of such children who reside in all such States for that fiscal year.

(B) **MINIMUM ALLOTMENT AMOUNT.**—No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total amount allotted under such subparagraph.

(3) **REALLOTMENT AND CARRY OVER.**—

(A) **IN GENERAL.**—If one or more States do not receive an allotment under this subsection for any fiscal year, the Secretary may use the amount of the allotment for that State or States, in such amounts as the Secretary determines appropriate, for either or both of the following:

(i) To increase the allotments of States with approved applications for the fiscal year, consistent with subparagraph (B).

(ii) To carry over the funds to the next fiscal year.

(B) **REALLOTMENT.**—In increasing allotments under subparagraph (A)(i), the Secretary shall allot to each State with an approved application an amount that bears the same relationship to the total amount to be allotted under subparagraph (A)(i), as the amount the State received under paragraph (2) for that fiscal year bears to the amount that all States received under paragraph (2) for that fiscal year.

(4) **STATE.**—For purposes of this subsection, the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) **FLEXIBILITY.**—The Secretary may make minimal adjustments to allotments under subsection (b), which shall neither lead to a significant increase or decrease in a State’s allotment determined under subsection (b),

based on a set of factors, such as the level of program participation and the estimated cost of the activities specified in the State plan under section 10306(2).

**SEC. 10305. STATE ELIGIBILITY CRITERIA.**

A State is eligible to receive a grant under this subpart if the State demonstrates to the Secretary that the State—

(1) has established or will establish early learning and development standards that—

(A) describe what children from birth to kindergarten entry should know and be able to do;

(B) are universally designed and developmentally, culturally, and linguistically appropriate;

(C) are aligned with the State’s challenging academic content standards and challenging student academic achievement standards, as adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)); and

(D) cover all of the essential domains of school readiness, which address—

(i) physical well-being and motor development;

(ii) social and emotional development;

(iii) approaches to learning, including creative arts expression;

(iv) developmentally appropriate oral and written language and literacy development; and

(v) cognition and general knowledge, including early mathematics and early scientific development;

(2) has the ability or will develop the ability to link prekindergarten data with State elementary school and secondary school data for the purpose of collecting longitudinal information for all children participating in the State’s high-quality prekindergarten program and any other federally funded early childhood program that will remain with the child through the child’s public education through grade 12;

(3) offers State-funded kindergarten for children who are eligible children for that service in the State; and

(4) has established a State Advisory Council on Early Childhood Education and Care.

**SEC. 10306. STATE APPLICATIONS.**

To receive a grant under this subpart, the Governor of a State, in consultation with the Indian tribes and tribal organizations in the State, if any, shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, each such application shall include—

(1) an assurance that the State—

(A) will coordinate with and continue to participate in the programs authorized under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419; 1431 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and the maternal, infant, and early childhood home visiting programs funded under section 511 of the Social Security Act (42 U.S.C. 711) for the duration of the grant;

(B) will designate a State-level entity (such as an agency or joint interagency office), selected by the Governor, for the administration of the grant, which shall coordinate and consult with the State educational agency if the entity is not the State educational agency; and

(C) will establish, or certify the existence of, program standards for all State prekindergarten programs consistent with the definition of a high-quality prekindergarten program under section 10302;

(2) a description of the State’s plan to—

(A) use funds received under this subpart and the State’s matching funds to provide high-quality prekindergarten programs, in accordance with section 10307(d), with open

enrollment for all children in the State who—

(i) are described in section 10302(10)(A); and

(ii) are from families with incomes at or below 200 percent of the poverty line;

(B) develop or enhance a system for monitoring eligible local entities that are receiving funds under this subpart for compliance with quality standards developed by the State and to provide program improvement support, which may be accomplished through the use of a State-developed system for quality rating and improvement;

(C) if applicable, expand participation in the State’s high-quality prekindergarten programs to children from families with incomes above 200 percent of the poverty line;

(D) carry out the State’s comprehensive early learning assessment system, or how the State plans to develop such a system, ensuring that any assessments are culturally, developmentally, and age-appropriate and consistent with the recommendations from the study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences, consistent with section 649(j) of the Head Start Act (42 U.S.C. 9844);

(E) develop, implement, and make publicly available the performance measures and targets described in section 10309;

(F) increase the number of teachers with bachelor’s degrees in early childhood education, or with bachelor’s degrees in another closely related field and specialized training and demonstrated competency in early childhood education, including how institutions of higher education will support increasing the number of teachers with such degrees and training, including through the use of assessments of prior learning, knowledge, and skills to facilitate and expedite attainment of such degrees;

(G) coordinate and integrate the activities funded under this subpart with Federal, State, and local services and programs that support early childhood education and care, including programs supported under this subpart, the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the Community Services Block Grant Act (42 U.S.C. 9901 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), the temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the Race to the Top program under section 14006 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), federally funded early literacy programs, the maternal, infant, and early childhood home visiting programs funded under section 511 of the Social Security Act (42 U.S.C. 711), health improvements to child care funded under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), the innovation fund program under section 14007 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), programs authorized under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.), the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), grants for infant and toddler care through Early Head Start-Child Care Partnerships funded under the heading “CHILDREN AND FAMILIES SERVICES PROGRAMS” under the heading ADMINISTRATION FOR CHILDREN AND FAMILIES in title II of division H of the Department of Health and Human Services Appropriations Act, 2014 (Public Law 113-76; 128 Stat. 377-378), the pre-school development grants program funded

under the heading "INNOVATION AND IMPROVEMENT" in title III of division G of the Department of Education Appropriations Act, 2015 (Public Law 113-235; 128 Stat. 2496), and any other Federal, State, or local early childhood education programs used in the State;

(H) award subgrants to eligible local entities, and in awarding such subgrants, facilitate a delivery system of high-quality prekindergarten programs that includes diverse providers, such as providers in community-based, public school, and private settings, and consider the system's impact on options for families;

(I) in the case of a State that does not have a State-determined funding mechanism for prekindergarten, use objective criteria in awarding subgrants to eligible local entities that will implement high-quality prekindergarten programs, including actions the State will take to ensure that eligible local entities will coordinate with local educational agencies or other early learning providers, as appropriate, to carry out activities to provide children served under this subpart with a successful transition from preschool into kindergarten, which activities shall include—

(i) aligning curricular objectives and instruction;

(ii) providing staff professional development, including opportunities for joint-professional development on early learning and kindergarten through grade 3 standards, assessments, and curricula;

(iii) coordinating family engagement and support services; and

(iv) encouraging the shared use of facilities and transportation, as appropriate;

(J) use the State early learning and development standards described in section 10305(1) to address the needs of dual language learners, including by incorporating benchmarks related to English language development;

(K) identify barriers, and propose solutions to overcome such barriers, which may include seeking assistance under section 10316, in the State to effectively use and integrate Federal, State, and local public funds and private funds for early childhood education that are available to the State on the date on which the application is submitted;

(L) support articulation agreements (as defined in section 486A of the Higher Education Act of 1965 (20 U.S.C. 1093a)) between public 2-year and public 4-year institutions of higher education and other credit-bearing professional development in the State for early childhood teacher preparation programs and closely related fields;

(M) ensure that the higher education programs in the State have the capacity to prepare a workforce to provide high-quality prekindergarten programs;

(N) support workforce development, including State and local policies that support prekindergarten instructional staff's ability to earn a degree, certification, or other specializations or qualifications, including policies on leave, substitutes, and child care services, including non-traditional hour child care;

(O) hold eligible local entities accountable for use of funds;

(P) ensure that the State's early learning and development standards are integrated into the instructional and programmatic practices of high-quality prekindergarten programs and related programs and services, such as those provided to children under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419 and 1431 et seq.);

(Q) increase the number of children in the State who are enrolled in high-quality kindergarten programs and carry out a strategy to implement such a plan;

(R) coordinate the State's activities supported by grants under this subpart with activities in State plans required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and the Adult Education and Family Literacy Act (29 U.S.C. 3271 et seq.);

(S) encourage eligible local entities to coordinate with community-based learning resources, such as libraries, arts and arts education programs, appropriate media programs, family literacy programs, public parks and recreation programs, museums, nutrition education programs, and programs supported by the Corporation for National and Community Service;

(T) work with eligible local entities, in consultation with elementary school principals, to ensure that high-quality prekindergarten programs have sufficient and appropriate facilities to meet the needs of children eligible for prekindergarten;

(U) support local early childhood coordinating entities, such as local early childhood councils, if applicable, and help such entities to coordinate early childhood education programs with high-quality prekindergarten programs to ensure effective and efficient delivery of early childhood education program services;

(V) support shared services administering entities, if applicable;

(W) ensure that the provision of high-quality prekindergarten programs will not lead to a diminution in the quality or supply of services for infants and toddlers or disrupt the care of infants and toddlers in the geographic area served by the eligible local entity, which may include demonstrating that the State will direct funds to provide high-quality early childhood education and care to infants and toddlers in accordance with section 10307(d); and

(X) encourage or promote socioeconomic, racial, and ethnic diversity in the classrooms of high-quality prekindergarten programs, as applicable; and

(3) an inventory of the State's higher education programs that prepare individuals for work in a high-quality prekindergarten program, including—

(A) certification programs;

(B) associate degree programs;

(C) baccalaureate degree programs;

(D) masters degree programs; and

(E) other programs that lead to a specialization in early childhood education, or a related field.

#### SEC. 10307. STATE USE OF FUNDS.

(a) RESERVATION FOR QUALITY IMPROVEMENT ACTIVITIES.—

(1) IN GENERAL.—A State that receives a grant under this subpart may reserve, for not more than the first 4 years such State receives such a grant, not more than 20 percent of the grant funds for quality improvement activities that support the elements of high-quality prekindergarten programs. Such quality improvement activities may include supporting teachers, center directors, and principals in a State's high-quality prekindergarten program, licensed or regulated child care, or Head Start programs to enable such teachers, principals, or directors to earn a baccalaureate degree in early childhood education, or a closely related field, through activities which may include—

(A) expanding or establishing scholarships, counseling, and compensation initiatives to cover the cost of tuition, fees, materials, transportation, and release time for such teachers;

(B) providing ongoing professional development opportunities, including regular in-

classroom observation by individuals trained in such observation, for such teachers, directors, principals, and teachers assistants to enable such teachers, directors, principals, and teachers assistants to carry out the elements of high-quality prekindergarten programs, which may include activities that address—

(i) promoting children's development across all of the essential domains of early learning and development;

(ii) developmentally appropriate curricula and teacher-child interaction;

(iii) effective family engagement;

(iv) providing culturally competent instruction;

(v) working with a diversity of children and families, including children with disabilities and dual language learners;

(vi) childhood nutrition and physical education programs;

(vii) supporting the implementation of evidence-based curricula;

(viii) social and emotional development; and

(ix) incorporating age-appropriate strategies of positive behavioral interventions and supports; and

(C) providing families with increased opportunities to learn how best to support their children's physical, cognitive, social, and emotional development during the first 5 years of life.

(2) NOT SUBJECT TO MATCHING.—The amount reserved under paragraph (1) shall not be subject to the matching requirements under section 10310.

(3) COORDINATION.—A State that reserves an amount under paragraph (1) shall coordinate the use of such amount with activities funded under section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) and the Head Start Act (42 U.S.C. 9831 et seq.).

(4) CONSTRUCTION.—A State may not use funds reserved under this subsection to meet the requirement described in 10302(10)(G).

(b) SUBGRANTS FOR HIGH-QUALITY PREKINDERGARTEN PROGRAMS.—A State that receives a grant under this subpart shall award subgrants of sufficient size to eligible local entities to enable such eligible local entities to implement high-quality prekindergarten programs for children who—

(1) are described in section 10302(10)(A);

(2) reside within the State; and

(3) are from families with incomes at or below 200 percent of the poverty line.

(c) ADMINISTRATION.—A State that receives a grant under this subpart may reserve not more than 1 percent of the grant funds for administration of the grant, and may use part of that reservation for the maintenance of the State Advisory Council on Early Childhood Education and Care.

(d) EARLY CHILDHOOD EDUCATION AND CARE PROGRAMS FOR INFANTS AND TODDLERS.—

(1) USE OF ALLOTMENT FOR INFANTS AND TODDLERS.—An eligible State may apply to use, and the appropriate Secretary may grant permission for the State to use, not more than 15 percent of the funds made available through a grant received under this subpart to award subgrants to early childhood education programs to provide, consistent with the State's early learning and development guidelines for infants and toddlers, high-quality early childhood education and care to infants and toddlers who reside within the State and are from families with incomes at or below 200 percent of the poverty line.

(2) APPLICATION.—To be eligible to use the grant funds as described in paragraph (1), the State shall submit an application to the appropriate Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application

shall, at a minimum, include a description of how the State will—

(A) designate a lead agency which shall administer such funds;

(B) ensure that such lead agency, in coordination with the State's Advisory Council on Early Childhood Education and Care, will collaborate with other agencies in administering programs supported under this subsection for infants and toddlers in order to obtain input about the appropriate use of such funds and ensure coordination with programs for infants and toddlers funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.) (including any Early Learning Quality Partnerships established in the State under section 645B of the Head Start Act, as added by section 202), the Race to the Top program under section 14006 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), the maternal, infant, and early childhood home visiting programs funded under section 511 of the Social Security Act (42 U.S.C. 711), part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), and grants for infant and toddler care through Early Head Start-Child Care Partnerships funded under the heading "CHILDREN AND FAMILIES SERVICES PROGRAMS" under the heading ADMINISTRATION FOR CHILDREN AND FAMILIES in title II of division H of the Department of Health and Human Services Appropriations Act, 2014 (Public Law 113-76; 128 Stat. 377-378);

(C) ensure that infants and toddlers who benefit from amounts made available under this subsection will transition to and have the opportunity to participate in a high-quality prekindergarten program supported under this subpart;

(D) in awarding subgrants, give preference to early childhood education programs that have a written formal plan with baseline data, benchmarks, and timetables to increase access to and full participation in high-quality prekindergarten programs for children who need additional support, including children with developmental delays or disabilities, children who are dual language learners, homeless children, children who are in foster care, children of migrant families, children eligible for a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), or children in the child welfare system; and

(E) give priority to activities carried out under this subsection that will increase access to high-quality early childhood education programs for infants and toddlers in local areas with significant concentrations of low-income families that do not currently benefit from such programs.

(3) **ELIGIBLE PROVIDERS.**—A State may use the grant funds as described in paragraph (1) to serve infants and toddlers only by working with early childhood education program providers that—

(A) offer full-day, full-year care, or otherwise meet the needs of working families; and

(B) meet high-quality standards, such as—

(i) Early Head Start program performance standards under the Head Start Act (42 U.S.C. 9831 et seq.); or

(ii) high-quality, demonstrated, valid, and reliable program standards that have been established through a national entity that accredits early childhood education programs.

(4) **FEDERAL ADMINISTRATION.**—

(A) **IN GENERAL.**—The Secretary shall bear responsibility for obligating and disbursing funds to support activities under this subsection and ensuring compliance with applicable laws and administrative requirements, subject to paragraph (3).

(B) **INTERAGENCY AGREEMENT.**—The Secretary of Education and the Secretary of Health and Human Services shall jointly administer activities supported under this subsection on such terms as such Secretaries shall set forth in an interagency agreement. The Secretary of Health and Human Services shall be responsible for any final approval of a State's application under this subsection that addresses the use of funds designated for services to infants and toddlers.

(C) **APPROPRIATE SECRETARY.**—In this subsection, the term "appropriate Secretary" used with respect to a function, means the Secretary designated for that function under the interagency agreement.

**SEC. 10308. ADDITIONAL PREKINDERGARTEN SERVICES.**

(a) **PREKINDERGARTEN FOR 3-YEAR-OLDS.**—Each State that certifies to the Secretary that the State provides universally available, voluntary, high-quality prekindergarten programs for 4-year-old children who reside within the State and are from families with incomes at or below 200 percent of the poverty line may use the State's allocation under section 10304(b) to provide high-quality prekindergarten programs for 3-year-old children who reside within the State and are from families with incomes at or below 200 percent of the poverty line.

(b) **SUBGRANTS.**—In each State that has a city, county, or local educational agency that provides universally available high-quality prekindergarten programs for 4-year-old children who reside within the State and are from families with incomes at or below 200 percent of the poverty line the State may use amounts from the State's allocation under section 10304(b) to award subgrants to eligible local entities to enable such eligible local entities to provide high-quality prekindergarten programs for 3-year-old children who are from families with incomes at or below 200 percent of the poverty line and who reside in such city, county, or local educational agency.

**SEC. 10309. PERFORMANCE MEASURES AND TARGETS.**

(a) **IN GENERAL.**—A State that receives a grant under this subpart shall develop, implement, and make publicly available the performance measures and targets for the activities carried out with grant funds. Such measures shall, at a minimum, track the State's progress in—

(1) increasing school readiness across all domains for all categories of children, as described in section 10313(b)(7), including children with disabilities and dual language learners;

(2) narrowing school readiness gaps between minority and nonminority children, and low-income children and more advantaged children, in preparation for kindergarten entry;

(3) decreasing the number of years that children receive special education and related services as described in part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);

(4) increasing the number of programs meeting the criteria for high-quality prekindergarten programs across all types of local eligible entities, as defined by the State and in accordance with section 10302;

(5) decreasing the need for grade-to-grade retention in elementary school;

(6) if applicable, ensuring that high-quality prekindergarten programs do not experience instances of chronic absence among the children who participate in such programs;

(7) increasing the number and percentage of low-income children in high-quality early childhood education programs that receive financial support through funds provided under this subpart; and

(8) providing high-quality nutrition services, nutrition education, physical activity, and obesity prevention programs.

(b) **PROHIBITION OF MISDIAGNOSIS PRACTICES.**—A State shall not, in order to meet the performance measures and targets described in subsection (a), engage in practices or policies that will lead to the misdiagnosis or under-diagnosis of disabilities or developmental delays among children who are served through programs supported under this subpart.

**SEC. 10310. MATCHING REQUIREMENTS.**

(a) **MATCHING FUNDS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), a State that receives a grant under this subpart shall provide matching funds from non-Federal sources, as described in subsection (c), in an amount equal to—

(A) 10 percent of the Federal funds provided under the grant in the first year of grant administration;

(B) 10 percent of the Federal funds provided under the grant in the second year of grant administration;

(C) 20 percent of the Federal funds provided under the grant in the third year of grant administration;

(D) 30 percent of the Federal funds provided under the grant in the fourth year of grant administration; and

(E) 40 percent of the Federal funds provided under the grant in the fifth year of grant administration.

(2) **REDUCED MATCH RATE.**—A State that meets the requirements under subsection (b) may provide matching funds from non-Federal sources at a reduced rate. The full reduced matching funds rate shall be in an amount equal to—

(A) 5 percent of the Federal funds provided under the grant in the first year of grant administration;

(B) 5 percent of the Federal funds provided under the grant in the second year of grant administration;

(C) 10 percent of the Federal funds provided under the grant in the third year of grant administration;

(D) 20 percent of the Federal funds provided under the grant in the fourth year of grant administration; and

(E) 30 percent of the Federal funds provided under the grant in the fifth year of grant administration.

(b) **REDUCED MATCH RATE ELIGIBILITY.**—A State that receives a grant under this subpart may provide matching funds from non-Federal sources at the full reduced rate under subsection (a)(2) if the State, across all publicly funded programs (including locally funded programs)—

(1)(A) offers enrollment in high-quality prekindergarten programs to not less than half of children in the State who are—

(i) age 4 on the eligibility determination date; and

(ii) from families with incomes at or below 200 percent of the poverty line; and

(B) has a plan for continuing to expand access to high-quality prekindergarten programs for such children in the State; and

(2) has a plan to expand access to high-quality prekindergarten programs to children from moderate income families whose income exceeds 200 percent of the poverty line.

(c) **NON-FEDERAL RESOURCES.**—

(1) **IN CASH.**—A State shall provide the matching funds under this section in cash with non-Federal resources which may include State funding, local funding, or contributions from philanthropy or other private sources, or a combination thereof.

(2) **FUNDS TO BE CONSIDERED AS MATCHING FUNDS.**—A State may include, as part of the State's matching funds under this section,



not more than 10 percent of the amount of State or local funds designated for State or local prekindergarten programs or to supplement Head Start programs under the Head Start Act (42 U.S.C. 9831 et seq.) as of the date of enactment of this Act, but may not include any funds that are attributed as matching funds, as part of a non-Federal share, or as a maintenance of effort requirement, for any other Federal program.

(d) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—If a State reduces its combined fiscal effort per student or the aggregate expenditures within the State to support early childhood education programs for any fiscal year that a State receives a grant authorized under this subpart relative to the previous fiscal year, the Secretary shall reduce support for such State under this subpart by the same amount as the decline in State effort for such fiscal year.

(2) WAIVER.—The Secretary may waive the requirements of paragraph (1) if—

(A) the Secretary determines that a waiver would be appropriate due to a precipitous decline in the financial resources of a State as a result of unforeseen economic hardship or a natural disaster that has necessitated across-the-board reductions in State services, including early childhood education programs; or

(B) due to the circumstances of a State requiring reductions in specific programs, including early childhood education, if the State presents to the Secretary a justification and demonstration why other programs could not be reduced and how early childhood programs in the State will not be disproportionately harmed by such State action.

(e) SUPPLEMENT NOT SUPPLANT.—Grant funds received under this subpart shall be used to supplement and not supplant other Federal, State, and local public funds expended on public prekindergarten programs in the State.

**SEC. 10311. ELIGIBLE LOCAL ENTITY APPLICATIONS.**

(a) IN GENERAL.—An eligible local entity desiring to receive a subgrant under section 10307(b) shall submit an application to the State, at such time, in such manner, and containing such information as the State may reasonably require.

(b) CONTENTS.—Each application submitted under subsection (a) shall include the following:

(1) PARENT AND FAMILY ENGAGEMENT.—A description of how the eligible local entity plans to engage the parents and families of the children such entity serves and ensure that parents and families of eligible children, as described in clauses (i) and (ii) of section 10306(2)(A), are aware of the services provided by the eligible local entity, which shall include a plan to—

(A) carry out meaningful parent and family engagement, through the implementation and replication of evidence-based or promising practices and strategies, which shall be coordinated with parent and family engagement strategies supported under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), part A of title I and title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.; 7201 et seq.), and strategies in the Head Start Parent, Family, and Community Engagement Framework, if applicable, to—

(i) provide parents and family members with the skills and opportunities necessary to become engaged and effective partners in their children's education, particularly the families of dual language learners and children with disabilities, which may include access to family literacy services;

(ii) improve child development; and

(iii) strengthen relationships among prekindergarten staff and parents and family members; and

(B) participate in community outreach to encourage families with eligible children to participate in the eligible local entity's high-quality prekindergarten program, including—

- (i) homeless children;
- (ii) dual language learners;
- (iii) children in foster care;
- (iv) children with disabilities; and
- (v) migrant children.

(2) COORDINATION AND ALIGNMENT.—A description of how the eligible local entity will—

(A) coordinate, if applicable, the eligible local entity's activities with—

(i) Head Start agencies (consistent with section 642(e)(5) of the Head Start Act (42 U.S.C. 9837(e)(5))), if the local entity is not a Head Start agency;

(ii) local educational agencies, if the eligible local entity is not a local educational agency;

(iii) providers of services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.);

(iv) programs carried out under section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1419); and

(v) if feasible, other entities carrying out early childhood education programs and services within the area served by the local educational agency;

(B) develop a process to promote continuity of developmentally appropriate instructional programs and shared expectations with local elementary schools for children's learning and development as children transition to kindergarten;

(C) organize, if feasible, and participate in joint training, when available, including transition-related training for school staff and early childhood education program staff;

(D) establish comprehensive transition policies and procedures, with applicable elementary schools and principals, for the children served by the eligible local entity that support the school readiness of children transitioning to kindergarten, including the transfer of early childhood education program records, with parental consent;

(E) conduct outreach to parents, families, and elementary school teachers and principals to discuss the educational, developmental, and other needs of children entering kindergarten;

(F) help parents, including parents of children who are dual language learners, understand and engage with the instructional and other services provided by the kindergarten in which such child will enroll after participation in a high-quality prekindergarten program; and

(G) develop and implement a system to increase program participation of underserved populations of eligible children, especially homeless children, children eligible for a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), parents of children who are dual language learners, and parents of children with disabilities.

(3) FULL PARTICIPATION OF ALL CHILDREN.—A description of how the eligible local entity will meet the diverse needs of children in the community to be served, including children with disabilities, dual language learners, children who need additional support, children in the State foster care system, and homeless children. Such description shall demonstrate, at a minimum, how the entity plans to—

(A) ensure the eligible local entity's high-quality prekindergarten program is accessible and appropriate for children with disabilities and dual language learners;

(B) establish effective procedures for ensuring use of evidence-based practices in assessment and instruction, including use of data for progress monitoring of child performance and provision of technical assistance support for staff to ensure fidelity with evidence-based practices;

(C) establish effective procedures for timely referral of children with disabilities to entities authorized under part B and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.; 1431 et seq.);

(D) ensure that the eligible local entity's high-quality prekindergarten program works with appropriate entities to address the elimination of barriers to immediate and continuous enrollment for homeless children; and

(E) ensure access to and continuity of enrollment in high-quality prekindergarten programs for migratory children, if applicable, and homeless children, including through policies and procedures that require—

(i) outreach to identify migratory children and homeless children;

(ii) immediate enrollment, including enrollment during the period of time when documents typically required for enrollment, including health and immunization records, proof of eligibility, and other documents, are obtained;

(iii) continuous enrollment and participation in the same high-quality prekindergarten program for a child, even if the child moves out of the program's service area, if that enrollment and participation are in the child's best interest, including by providing transportation when necessary;

(iv) professional development for high-quality prekindergarten program staff regarding migratory children and homelessness among families with young children; and

(v) in serving homeless children, collaboration with local educational agency liaisons designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), and local homeless service providers.

(4) ACCESSIBLE COMPREHENSIVE SERVICES.—A description of how the eligible local entity plans to provide accessible comprehensive services, described in section 10302(10)(I), to the children the eligible local entity serves. Such description shall provide information on how the entity will—

(A) conduct a data-driven community assessment in coordination with members of the community, including parents and community organizations, or use a recently conducted data-driven assessment, which—

(i) may involve an external partner with expertise in conducting such needs analysis, to determine the most appropriate social or other support services to offer through the eligible local entity's on-site comprehensive services to children who participate in high-quality prekindergarten programs; and

(ii) shall consider the resources available at the school, local educational agency, and community levels to address the needs of the community and improve child outcomes; and

(B) have a coordinated system to facilitate the screening, referral, and provision of services related to health, nutrition, mental health, disability, and family support for children served by the eligible local entity.

(5) WORKFORCE.—A description of how the eligible local entity plans to support the instructional staff of such entity's high-quality prekindergarten program, which shall, at a minimum, include a plan to provide high-quality professional development, or facilitate the provision of high-quality professional development through an external partner with expertise and a demonstrated

track record of success, based on scientifically valid research, that will improve the knowledge and skills of high-quality pre-kindergarten teachers and staff through activities, which may include—

(A) acquiring content knowledge and learning teaching strategies needed to provide effective instruction that addresses the State's early learning and development standards described under section 10305(1), including professional training to support the social and emotional development of children;

(B) enabling high-quality prekindergarten teachers and staff to pursue specialized training in early childhood development;

(C) enabling high-quality prekindergarten teachers and staff to acquire the knowledge and skills to provide instruction and appropriate language and support services to increase the English language skills of dual language learners;

(D) enabling high-quality prekindergarten teachers and staff to acquire the knowledge and skills to provide developmentally appropriate instruction for children with disabilities;

(E) promoting classroom management;

(F) providing high-quality induction and support for incoming high-quality prekindergarten teachers and staff in high-quality prekindergarten programs, including through the use of mentoring programs and coaching that have a demonstrated track record of success;

(G) promoting the acquisition of relevant credentials, including in ways that support career advancement through career ladders; and

(H) enabling high-quality prekindergarten teachers and staff to acquire the knowledge and skills to provide culturally competent instruction for children from diverse backgrounds.

#### SEC. 10312. REQUIRED SUBGRANT ACTIVITIES.

(a) IN GENERAL.—An eligible local entity that receives a subgrant under section 10307(b) shall use subgrant funds to implement the elements of a high-quality pre-kindergarten program for the children described in section 10307(b).

(b) COORDINATION.—

(1) LOCAL EDUCATIONAL AGENCY PARTNERSHIPS WITH LOCAL EARLY CHILDHOOD EDUCATION PROGRAMS.—A local educational agency that receives a subgrant under this subpart shall provide an assurance that the local educational agency will enter into strong partnerships with local early childhood education programs, including programs supported through the Head Start Act (42 U.S.C. 9831 et seq.).

(2) ELIGIBLE LOCAL ENTITIES THAT ARE NOT LOCAL EDUCATIONAL AGENCIES.—An eligible local entity that is not a local educational agency that receives a subgrant under this subpart shall provide an assurance that such entity will enter into strong partnerships with local educational agencies.

#### SEC. 10313. REPORT AND EVALUATION.

(a) IN GENERAL.—Each State that receives a grant under this subpart shall prepare an annual report, in such manner and containing such information as the Secretary may reasonably require.

(b) CONTENTS.—A report prepared under subsection (a) shall contain, at a minimum—

(1) a description of the manner in which the State has used the funds made available through the grant and a report of the expenditures made with the funds;

(2) a summary of the State's progress toward providing access to high-quality pre-kindergarten programs for children eligible for such services, as determined by the State, from families with incomes at or below 200 percent of the poverty line, including the percentage of funds spent on children from families with incomes—

(A) at or below 100 percent of the poverty line;

(B) at or below between 101 and 150 percent of the poverty line; and

(C) at or below between 151 and 200 percent of the poverty line;

(3) an evaluation of the State's progress toward achieving the State's performance targets, described in section 10309;

(4) data on the number of high-quality pre-kindergarten program teachers and staff in the State (including teacher turnover rates and teacher compensation levels compared to teachers in elementary schools and secondary schools), according to the setting in which such teachers and staff work (which settings shall include, at a minimum, Head Start programs, public prekindergarten, and child care programs) who received training or education during the period of the grant and remained in the early childhood education program field;

(5) data on the kindergarten readiness of children in the State;

(6) a description of the State's progress in effectively using Federal, State, and local public funds and private funds, for early childhood education;

(7) the number and percentage of children in the State participating in high-quality prekindergarten programs, disaggregated by race, ethnicity, family income, child age, disability, whether the children are homeless children, and whether the children are dual language learners;

(8) data on the availability, affordability, and quality of infant and toddler care in the State;

(9) the number of operational minutes per week and per year for each eligible local entity that receives a subgrant;

(10) the local educational agency and zip code in which each eligible local entity that receives a subgrant operates;

(11) information, for each of the local educational agencies described in paragraph (10), on the percentage of the costs of the public early childhood education programs that is funded from Federal, from State, and from local sources, including the percentages from specific funding programs;

(12) data on the number and percentage of children in the State participating in public kindergarten programs, disaggregated by race, family income, child age, disability, whether the children are homeless children, and whether the children are dual language learners, with information on whether such programs are offered—

(A) for a full day; and

(B) at no cost to families;

(13) data on the number of individuals in the State who are supported with scholarships, if applicable, to meet the bachelor's degree requirement for high-quality pre-kindergarten programs, as defined in section 10302; and

(14) information on—

(A) the rates of expulsion, suspension, and similar disciplinary action, of children in the State participating in high-quality pre-kindergarten programs, disaggregated by race, ethnicity, family income, child age, and disability;

(B) the State's progress in establishing policies on effective behavior management strategies and training that promote positive social and emotional development to eliminate expulsions and suspensions of children participating in high-quality pre-kindergarten programs; and

(C) the State's policies on providing early learning services to children in the State participating in high-quality pre-kindergarten programs who have been suspended.

(c) SUBMISSION.—A State shall submit the annual report prepared under subsection (a), at the end of each fiscal year, to the Sec-

retary, the Secretary of Health and Human Services, and the State Advisory Council on Early Childhood Education and Care.

(d) COOPERATION.—An eligible local entity that receives a subgrant under this subpart shall cooperate with all Federal and State efforts to evaluate the effectiveness of the program the entity implements with subgrant funds.

(e) NATIONAL REPORT.—The Secretary shall compile and summarize the annual State reports described under subsection (c) and shall prepare and submit an annual report to Congress that includes a summary of such State reports.

#### SEC. 10314. PROHIBITION OF REQUIRED PARTICIPATION OR USE OF FUNDS FOR ASSESSMENTS.

(a) PROHIBITION ON REQUIRED PARTICIPATION.—A State receiving a grant under this subpart shall not require any child to participate in any Federal, State, local, or private early childhood education program, including a high-quality prekindergarten program.

(b) PROHIBITION ON USE OF FUNDS FOR ASSESSMENT.—A State receiving a grant under this subpart and an eligible local entity receiving a subgrant under this subpart shall not use any grant or subgrant funds to carry out any of the following activities:

(1) An assessment that provides rewards or sanctions for individual children, teachers, or principals.

(2) An assessment that is used as the primary or sole method for assessing program effectiveness.

(3) Evaluating children, other than for the purposes of—

(A) improving instruction or the classroom environment;

(B) targeting professional development;

(C) determining the need for health, mental health, disability, or family support services;

(D) program evaluation for the purposes of program improvement and parent information; and

(E) improving parent and family engagement.

#### SEC. 10315. COORDINATION WITH HEAD START PROGRAMS.

(a) INCREASED ACCESS FOR YOUNGER CHILDREN.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Health and Human Services shall develop a process—

(1) for use in the event that Head Start programs funded under the Head Start Act (42 U.S.C. 9831 et seq.) operate in States or regions that have achieved sustained universal, voluntary access to 4-year-old children who reside within the State and who are from families with incomes at or below 200 percent of the poverty line to high-quality prekindergarten programs; and

(2) for how such Head Start programs will begin converting slots for children who are age 4 on the eligibility determination date to children who are age 3 on the eligibility determination date, or, when appropriate, converting Head Start programs into Early Head Start programs to serve infants and toddlers.

(b) COMMUNITY NEED AND RESOURCES.—The process described in subsection (a) shall—

(1) be carried out on a case-by-case basis and shall ensure that sufficient resources and time are allocated for the development of such a process so that no child or cohort is excluded from currently available services; and

(2) ensure that any conversion shall be based on community need and not on the aggregate number of children served in a State or region that has achieved sustained, universal, voluntary access to high-quality pre-kindergarten programs.

(c) PUBLIC COMMENT AND NOTICE.—Not fewer than 90 days after the development of the proposed process described in subsection (a), the Secretary and the Secretary of Health and Human Services shall publish a notice describing such proposed process for conversion in the Federal Register providing at least 90 days for public comment. The Secretaries shall review and consider public comments prior to finalizing the process for conversion of Head Start slots and programs.

(d) REPORTS TO CONGRESS.—Concurrently with publishing a notice in the Federal Register as described in subsection (c), the Secretaries shall provide a report 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 that provides a detailed description of the proposed process described in subsection (a), including a description of the degree to which Head Start programs are providing State-funded high-quality prekindergarten programs as a result of the grant opportunity provided under this subpart in States where Head Start programs are eligible for conversion described in subsection (a).

**SEC. 10316. TECHNICAL ASSISTANCE IN PROGRAM ADMINISTRATION.**

In providing technical assistance to carry out activities under this subpart, the Secretary shall coordinate that technical assistance, in appropriate cases, with technical assistance provided by the Secretary of Health and Human Services to carry out the programs authorized under the Head Start Act (42 U.S.C. 9831 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and the maternal, infant and early childhood home visiting programs assisted under section 511 of the Social Security Act (42 U.S.C. 711).

**SEC. 10317. AUTHORIZATION OF APPROPRIATIONS.**

To carry out this subpart, there are authorized to be appropriated, and there are appropriated—

- (1) \$1,300,000,000 for fiscal year 2016;
- (2) \$3,250,000,000 for fiscal year 2017;
- (3) \$5,780,000,000 for fiscal year 2018;
- (4) \$7,580,000,000 for fiscal year 2019; and
- (5) \$8,960,000,000 for fiscal year 2020.

**Subpart B—Prekindergarten Development Grants**

**SEC. 10321. PREKINDERGARTEN DEVELOPMENT GRANTS.**

(a) IN GENERAL.—The Secretary of Education, in consultation with the Secretary of Health and Human Services, shall award competitive grants to States that wish to increase their capacity and build the infrastructure within the State to offer high-quality prekindergarten programs.

(b) ELIGIBILITY OF STATES.—A State that is not receiving funds under subpart A may compete for grant funds under this section if the State provides an assurance that the State will, through the support of grant funds awarded under this section, meet the eligibility requirements of section 10305 not later than 3 years after the date the State first receives grant funds under this section.

(c) GRANT DURATION.—The Secretary shall award grants under this section for a period of not more than 3 years. Such grants shall not be renewed.

(d) APPLICATION.—

(1) IN GENERAL.—A Governor, or chief executive officer of a State that desires to receive a grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary of Education may reasonably require, including, if applicable, a description of how the State plans to become eligible for grants

under section 10305 by not later than 3 years after the date the State first receives grant funds under this section.

(2) DEVELOPMENT OF STATE APPLICATION.—In developing an application for a grant under this section, a State shall consult with the State Advisory Council on Early Childhood Education and Care and incorporate the Council's recommendations, where applicable.

(e) MATCHING REQUIREMENT.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a State shall contribute for the activities for which the grant was awarded non-Federal matching funds in an amount equal to not less than 20 percent of the amount of the grant.

(2) NON-FEDERAL FUNDS.—To satisfy the requirement of paragraph (1), a State may use—

(A) non-Federal resources in the form of State funding, local funding, or contributions from philanthropy or other private sources, or a combination of such resources; or

(B) in-kind contributions.

(3) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive the requirement under paragraph (1) or reduce the amount of matching funds required under that paragraph for a State that has submitted an application for a grant under this subsection if the State demonstrates, in the application, a need for such a waiver or reduction due to extreme financial hardship, as determined by the Secretary.

(f) SUBGRANTS.—

(1) IN GENERAL.—A State awarded a grant under this section may use the grant funds to award subgrants to eligible local entities, as defined in section 10302, to carry out the activities under the grant.

(2) SUBGRANTEES.—An eligible local entity awarded a subgrant under paragraph (1) shall comply with the requirements of this section relating to grantees, as appropriate.

(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated, and there are appropriated, \$750,000,000 for each of fiscal years 2016 through 2020.

**Subpart C—Early Learning Quality Partnerships**

**SEC. 10331. PURPOSES.**

The purposes of this part are to—

(1) increase the availability of, and access to, high-quality early childhood education and care programming for infants and toddlers;

(2) support a higher quality of, and increase capacity for, such programming in both child care centers and family child care homes;

(3) encourage the provision of comprehensive, coordinated full-day services and supports for infants and toddlers; and

(4) increase access to appropriate supports so children with disabilities and other children who need specialized supports can fully participate in high-quality early education programs.

**SEC. 10332. EARLY LEARNING QUALITY PARTNERSHIPS.**

The Head Start Act is amended—

(1) by amending section 645A(e) (42 U.S.C. 9840a(e)) to read as follows:

“(e) SELECTION OF GRANT RECIPIENTS.—The Secretary shall award grants under this section on a competitive basis to applicants meeting the criteria in subsection (d) (giving priority to entities with a record of providing early, continuous, and comprehensive childhood development and family services and entities that agree to partner with a center-based or family child care provider to carry out the activities described in section 645B).”; and

(2) by inserting after section 645A the following:

**“SEC. 645B. EARLY LEARNING QUALITY PARTNERSHIPS.**

“(a) IN GENERAL.—The Secretary shall make grants to Early Head Start agencies to enable the Early Head Start agencies to form early learning quality partnerships by partnering with center-based or family child care providers, particularly those that receive support under the Child Care and Development Block Grant of 1990 (42 U.S.C. 9858 et seq.), that agree to meet the program performance standards described in section 641A(a)(1) and Early Head Start standards described in section 645A that are applicable to the ages of children served with funding and technical assistance from the Early Head Start agency.

“(b) SELECTION OF GRANT RECIPIENTS.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall award grants under this section in a manner consistent with section 645A(e).

“(2) COMPETITIVE PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applicants—

“(A) that propose to create strong alignment of programs with maternal, infant, and early childhood home visiting programs assisted under section 511 of the Social Security Act (42 U.S.C. 711), State-funded prekindergarten programs, programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other programs supported under this Act, to create a strong continuum of high-quality services for children from birth to school entry; and

“(B) that seek to work with child care providers across settings, including center-based and home-based programs.

“(3) ALLOCATION.—

“(A) RESERVATION.—From funds appropriated to carry out this section, the Secretary shall reserve—

“(i) not less than 3 percent of such funds for Indian Head Start programs that serve young children;

“(ii) not less than 4.5 percent for migrant and seasonal Head Start programs that serve young children; and

“(iii) not less than 0.2 percent for programs funded under clause (iv) or (v) of section 640(a)(2)(B).

“(B) ALLOCATION AMONG STATES.—The Secretary shall allocate funds appropriated to carry out this section and not reserved under subparagraph (A) among the States proportionally based on the number of young children from families whose income is below the poverty line residing in such States.

“(c) ELIGIBILITY OF CHILDREN.—Partnerships formed through assistance provided under this section may serve children through age 3, and the standards applied to children in subsection (a) shall be consistent with those applied to 3-year-old children under this subchapter.

“(d) PARTNERSHIPS.—An Early Head Start agency that receives a grant under this section shall—

“(1) enter into a contractual relationship with a center-based or family child care provider to raise the quality of such provider's programs so that the provider meets the program performance standards described in subsection (a) through activities that may include—

“(A) expanding the center-based or family child care provider's programs through financial support;

“(B) providing training, technical assistance, and support to the provider in order to help the provider meet the program performance standards, which may include supporting program and partner staff in earning

a child development associate credential, associate's degree, or baccalaureate degree in early childhood education or a closely related field for working with infants and toddlers; and

“(C) blending funds received under the Child Care and Development Block Grant of 1990 (42 U.S.C. 9858 et seq.) and the Early Head Start program carried out under section 645A in order to provide high-quality child care, for a full day, that meets the program performance standards;

“(2) develop and implement a proposal to recruit and enter into a contract with a center-based or family child care provider, particularly a provider that serves children who receive assistance under the Child Care and Development Block Grant of 1990 (42 U.S.C. 9858 et seq.);

“(3) create a clear and realizable timeline to increase the quality and capacity of a center-based or family child care provider so that the provider meets the program performance standards described in subsection (a); and

“(4) align activities and services provided through funding under this section with the Head Start Child Outcomes Framework.

“(e) STANDARDS.—Prior to awarding grants under this section, the Secretary shall establish standards to ensure that the responsibility and expectations of the Early Head Start agency and the partner child care providers are clearly defined.

“(f) DESIGNATION RENEWAL.—A partner child care provider that receives assistance through a grant provided under this section shall be exempt, for a period of 18 months, from the designation renewal requirements under section 641(c).

“(g) SURVEY OF EARLY HEAD START AGENCIES AND REPORT TO CONGRESS.—Within one year of the effective date of this section, the Secretary shall conduct a survey of Early Head Start agencies to determine the extent of barriers to entering into early learning quality partnership agreements under this section on Early Head Start agencies and on child care providers, and submit this information, with suggested steps to overcome such barriers, in a report 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, including a detailed description of the degree to which Early Head Start agencies are utilizing the funds provided.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) \$1,430,376,000 for fiscal year 2016; and

“(2) such sums as may be necessary for each of fiscal years 2017 through 2020.”.

#### Subpart D—Authorization of Appropriations for the Education of Children With Disabilities

##### SEC. 10341. PRESCHOOL GRANTS.

Section 619(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1419(j)) is amended to read as follows:

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$418,000,000 for fiscal year 2016 and such sums as may be necessary for each succeeding fiscal year.”.

##### SEC. 10342. INFANTS AND TODDLERS WITH DISABILITIES.

Section 644 of the Individuals with Disabilities Education Act (20 U.S.C. 1444) is amended to read as follows:

##### “SEC. 644. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated \$508,000,000 for fiscal year 2016 and such sums as may be necessary for each succeeding fiscal year.”.

#### Subpart E—Maternal, Infant, and Early Childhood Home Visiting Program

##### SEC. 10351. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) from the prenatal period to the first day of kindergarten, children's development rapidly progresses at a pace exceeding that of any subsequent stage of life;

(2) as reported by the National Academy of Sciences in 2001, striking disparities exist in what children know and can do that are evident well before they enter kindergarten;

(3) such differences are strongly associated with social and economic circumstances, and they are predictive of subsequent academic performance;

(4) research has consistently demonstrated that investments in high-quality programs that serve infants and toddlers—

(A) better positions those children for success in elementary, secondary, and postsecondary education; and

(B) helps those children develop the critical physical, emotional, social, and cognitive skills that they will need for the rest of their lives;

(5) in 2011, there were 11,000,000 infants and toddlers living in the United States, and 49 percent of these children came from low-income families with incomes at or below 200 percent of the Federal poverty guidelines;

(6) the Maternal, Infant, and Early Childhood Home Visiting program (referred to as “MIECHV”) was authorized by Congress to facilitate collaboration and partnership at the Federal, State, and community levels to improve health and development outcomes for at-risk children, including those from low-income families, through evidence-based home visiting programs;

(7) MIECHV is an evidence-based policy initiative and the program's authorizing legislation requires that at least 75 percent of funds dedicated to the program must support programs to implement evidence-based home visiting models, which includes the home-based model of Early Head Start; and

(8) Congress should continue to provide resources to MIECHV to support the work of States to help at-risk families voluntarily receive home visits from nurses and social workers to—

(A) promote maternal, infant, and child health;

(B) improve school readiness and achievement;

(C) prevent potential child abuse or neglect and injuries;

(D) support family economic self-sufficiency;

(E) reduce crime or domestic violence; and

(F) improve coordination or referrals for community resources and supports.

#### Subpart F—Stop Corporate Inversions

##### SEC. 10361. MODIFICATIONS TO RULES RELATING TO INVERTED CORPORATIONS.

(a) IN GENERAL.—Subsection (b) of section 7874 of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

“(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if—

“(A) such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting ‘80 percent’ for ‘60 percent’, or

“(B) such corporation is an inverted domestic corporation.

“(2) INVERTED DOMESTIC CORPORATION.—For purposes of this subsection, a foreign corporation shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

“(A) the entity completes after July 31, 2015, the direct or indirect acquisition of—

“(i) substantially all of the properties held directly or indirectly by a domestic corporation, or

“(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership, and

“(B) after the acquisition, more than 50 percent of the stock (by vote or value) of the entity is held—

“(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

“(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership.

“(3) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—A foreign corporation described in paragraph (2) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group. For purposes of subsection (a)(2)(B)(iii) and the preceding sentence, the term ‘substantial business activities’ shall have the meaning given such term under regulations in effect on May 8, 2014, except that the Secretary may issue regulations increasing the threshold percent in any of the tests under such regulations for determining if business activities constitute substantial business activities for purposes of this paragraph.”.

##### (b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 7874(a)(2)(B) of such Code is amended by striking “after March 4, 2003,” and inserting “after March 4, 2003, and before August 1, 2015.”.

(2) Subsection (c) of section 7874 of such Code is amended—

(A) in paragraph (2)—

(i) by striking subsection (a)(2)(B)(ii) and inserting “subsections (a)(2)(B)(ii) and (b)(2)(B)”, and

(ii) by inserting “or (b)(2)(A)” after “(a)(2)(B)(i)” in subparagraph (B),

(B) in paragraph (3), by inserting “or (b)(2)(B), as the case may be,” after “(a)(2)(B)(ii)”,

(C) in paragraph (5), by striking “subsection (a)(2)(B)(ii)” and inserting “subsections (a)(2)(B)(ii) and (b)(2)(B)”, and

(D) in paragraph (6), by inserting “or inverted domestic corporation, as the case may be,” after “surrogate foreign corporation”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after July 31, 2015.

(d) FUNDING.—Any increase in revenue attributable to the amendments made by this section shall be allocated to carrying out subparts A and B.

**SA 2153.** Mr. REID (for Mr. KING (for himself and Mrs. CAPITO)) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 630, between lines 4 and 5, insert the following:

**“PART J—DIGITAL LEARNING EQUITY  
DEMONSTRATION PROGRAM**

**“SEC. 5911. PURPOSES.**

“The purpose of this part is to support the development, implementation, and evaluation of innovative strategies and methods to improve out-of-school access to digital learning resources for eligible students in order to—

“(1) increase student participation in the classroom, including the ability to complete homework assignments and participate in innovative digital learning models;

“(2) improve student access to postsecondary education and workforce opportunities by increasing the ability of students to apply for employment, postsecondary education, and financial aid opportunities;

“(3) increase the education technology and digital learning resources options available to educators to support student learning by ensuring methods and resources used during the school day remain accessible during out-of-school hours;

“(4) increase student, educator, and parent engagement by facilitating greater communication and connection between school and home; and

“(5) increase the identification and dissemination of strategies to support students lacking out-of-school access to digital learning resources and the Internet, including underserved student populations and students in rural and remote geographic areas.

**“SEC. 5912. DEFINITIONS.**

“In this part:

“(1) **ACCESS TECHNOLOGY.**—The term ‘access technology’ means any service or device that provides out-of-school Internet access as its primary function and does not include a computer device.

“(2) **DIGITAL LEARNING.**—The term ‘digital learning’ means an educational practice that effectively uses technology to strengthen a student’s learning experience within and outside of the classroom and at home, including—

“(A) interactive learning resources that engage students in academic content;

“(B) access to online databases and primary source documents;

“(C) the use of data, data analytics, and information to personalize learning and provide targeted supplementary instruction;

“(D) student collaboration with content experts, peers, and educators;

“(E) digital learning content, video, software, or simulations;

“(F) access to online courses; and

“(G) other resources that may be developed, as the Secretary may determine.

“(3) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means any of the following entities that serve a high-need school:

“(A) A local educational agency.

“(B) A State educational agency.

“(C) An educational service agency.

“(D) A consortium of State educational agencies, local educational agencies, or educational service agencies.

“(E) An Indian tribe or Indian organization.

“(F) A State educational agency, local educational agency, educational service agency, Indian tribe, or Indian organization, in partnership with—

“(i) a nonprofit foundation, corporation, institution, or association;

“(ii) a business;

“(iii) an after-school program or summer program;

“(iv) a library;

“(v) a community learning center; or

“(vi) other community or social services organizations, as the Secretary may determine.

“(4) **ELIGIBLE STUDENT.**—The term ‘eligible student’ means a student who lacks out-of-

school Internet access and attends a high-need school serviced by an eligible entity.

“(5) **HIGH-NEED SCHOOL.**—The term ‘high-need school’ means a school served by an eligible entity that—

“(A) has a high percentage of students aged 5 through 17 who—

“(i) are in poverty, as counted in the most recent census data approved by the Secretary;

“(ii) are eligible for a free or reduced priced lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

“(iii) are in families receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

“(iv) are eligible to receive medical assistance under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

“(B) has a high percentage of students who lack out-of-school Internet access;

“(C) is in need of improvement and or is among the State’s persistently lowest achieving schools; or

“(D) has significant gaps in achievement among the categories of students, as defined in section 1111(b)(3)(A).

“(6) **OUT-OF-SCHOOL INTERNET ACCESS.**—The term ‘out-of-school Internet access’ means a service provided to an eligible student for out-of-school use by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, with a speed and capacity sufficient to enable the use of digital learning resources, but excluding—

“(A) dial-up Internet access service; or

“(B) Internet access service that is restricted by monthly data caps set lower than 1 gigabyte.

**“SEC. 5913. DEMONSTRATION GRANT PROGRAM AUTHORIZED.**

“(a) **IN GENERAL.**—The Secretary shall award grants to eligible entities, subject to meeting the application requirements in subsection (e), to develop, implement, and evaluate innovative strategies to increase out-of-school Internet access for eligible students.

“(b) **DEMONSTRATION PERIOD.**—Each eligible entity, in accordance with the application requirements in subsection (e), shall propose to the Secretary the period of time over which it desires to exercise demonstration authority, except that such period shall not exceed 2 years.

“(c) **RURAL AREAS.**—From the amounts appropriated under section 5915 for a fiscal year, the Secretary shall reserve not less than 35 percent for grants to eligible entities that propose to carry out the activities described in subsection (e)(1) in rural areas, as described in section 6211(b)(1)(A)(ii). The Secretary shall reduce the amount described in this subsection if the Secretary does not receive a sufficient number of applications that propose to carry out the activities described in subsection (e)(1) in rural areas that meet the requirements of subsection (e).

“(d) **MATCHING FUNDS.**—

“(1) **IN GENERAL.**—An eligible entity that is a State educational agency or includes a State educational agency, that receives a grant under this section shall provide matching funds, from non-Federal sources (which may be provided in cash or in-kind), in an amount equal to 10 percent of the amount of grant funds provided to the eligible entity to carry out the activities supported by the grant.

“(2) **WAIVER.**—The Secretary may waive the matching requirement under paragraph

(1) for an eligible entity that demonstrates that such requirement imposes an undue financial hardship.

“(e) **APPLICATION.**—To receive a grant under this section, an eligible entity shall submit to the Secretary an application at such time and in such manner as the Secretary may reasonably require and containing the following:

“(1) A description of how the entity will—

“(A) increase student access to digital learning opportunities outside of the school day, which may include providing access technology for eligible students;

“(B) integrate the out-of-school use of the access technology into the school’s educational curriculum and objectives;

“(C) provide eligible students with the necessary training in digital literacy to ensure appropriate and effective use of the digital learning resources and access technology;

“(D) ensure parents, educators, and students are informed of appropriate use of the digital learning resources and access technology; and

“(E) have in place a policy that meets the same requirements as described in paragraphs (1) and (2) of section 9551.

“(2) A description of the eligible students who will be served, disaggregated by—

“(A) the categories of students, as defined in section 1111(b)(3)(A); and

“(B) homeless students and children or youth in foster care.

“(3) In the case of an eligible entity that wishes to award subgrants to local educational agencies or local educational agencies in partnership with the entities described in subparagraphs (A) through (F) of section 5912(3)—

“(A) a description of how the eligible entity will award such subgrants; and

“(B) an assurance that the eligible entity consulted with appropriate staff of participating local educational agencies and the entities described in subparagraphs (A) through (F) of section 5912(3), as applicable, in the development of the eligible entity’s application under this subsection.

“(4) A description of the process, activities, and measures that the eligible entity will use to evaluate the impact and effectiveness of the grant funds awarded under this part for eligible students, including measures of changes in—

“(A) the percentage of students who lack access to out-of-school Internet access;

“(B) student participation in the classroom, including the ability to complete homework and take part in innovative learning models;

“(C) student engagement, through such measures as attendance rates and chronic absenteeism;

“(D) student access to postsecondary education and workforce opportunities, including the ability to apply for employment, postsecondary education, and student financial aid programs; and

“(E) any other valid and reliable indicators of student, educator, or parent engagement or participation, as determined by the eligible entity.

“(5) A description of the way in which the eligible entity will solicit and collect meaningful feedback from participating students, educators, parents, and school administrators on the effectiveness of the demonstration program.

“(6) A description of how the eligible entity will procure the access technology and out-of-school Internet access necessary to carry out the demonstration program, including whether the entity will utilize bulk purchasing or other strategies that make efficient use of program funds.

“(7) If the applicant is a State educational agency or includes a State educational agency, an assurance that the applicant will provide matching funds as required under subsection (d).

“(f) USE OF FUNDS.—Each eligible entity receiving a grant under this part shall use the funds awarded to develop, implement, and evaluate strategies and methods used to increase student access to digital learning resources at home through such practices as—

“(1) providing a targeted distribution of access technology to eligible students;

“(2) educating and training students, parents, and educators about the appropriate use of access technology outside of the classroom; and

“(3) evaluating the effectiveness of the strategies and methods used under this part, through such means as student, educator, and parent surveys.

“(g) RESTRICTION.—Funds awarded under this part shall only be used to promote out-of-school access to digital learning resources for eligible students and shall not be used to address the networking needs of an entity that is eligible to receive support under the E-rate program.

“(h) RESERVATION FOR SUPPORT AND EVALUATION.—

“(1) IN GENERAL.—Each eligible entity that receives a grant under this section may reserve not more than 8 percent of the grant amount for each fiscal year to provide technical support to participating schools and for the purposes of conducting the evaluation described in section 5914.

“(2) EVALUATION.—Not less than 50 percent of any amount reserved under paragraph (1) shall be used for the purposes of conducting the evaluation described in section 5914.

“(i) NATIONAL ACTIVITIES.—From the amounts appropriated under section 5915, the Secretary may reserve not more than 1 percent for national activities to provide technical assistance and support grantees.

**“SEC. 5914. EVALUATION.**

“(a) IN GENERAL.—Consistent with the criteria outlined in paragraphs (4) and (5) of section 5913(e), the Secretary shall establish an evaluation template through which an eligible entity will record and submit the outcomes and participant feedback associated with the program carried out under this part.

“(b) SUBMISSION; DEADLINE.—Not later than 90 days after the termination of an eligible entity’s demonstration authority under this part, the eligible entity shall submit to the Secretary the results of the evaluation.

“(c) PROHIBITION.—Nothing in this section shall be construed to prohibit an eligible entity from recording and submitting additional data or indicators associated with the success of the program executed under the demonstration authority.

**“SEC. 5915. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.”

**SA 2154.** Mr. REID (for Mr. KING (for himself and Mrs. CAPITO)) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 264, between lines 11 and 12, insert the following:

**SEC. 1018. REPORT ON STUDENT HOME ACCESS TO DIGITAL LEARNING RESOURCES.**

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the Institute of Education Sciences, in consultation with relevant Federal agencies, shall complete a national study on the educational trends and behaviors associated with access to digital learning resources outside of the classroom, which shall include analysis of extant data and new surveys about students and teachers that provide—

(1) a description of the various locations from which students access the Internet and digital learning resources outside of the classroom, including through an after-school or summer program, a library, and at home;

(2) a description of the various devices and technology through which students access the Internet and digital learning resources outside of the classroom, including through a computer or mobile device;

(3) data associated with the number of students who lack home Internet access, disaggregated by—

(A) each of the categories of students, as defined in section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965;

(B) homeless students and children or youth in foster care; and

(C) students in geographically diverse areas, including urban, suburban, and rural areas;

(4) data associated with the barriers to students acquiring home Internet access;

(5) data associated with the proportion of educators who assign homework or implement innovative learning models that require or are substantially augmented by a student having home Internet access and the frequency of the need for such access;

(6) a description of the learning behaviors associated with students who lack home Internet access, including—

(A) student participation in the classroom, including the ability to complete homework and participate in innovative learning models;

(B) student engagement, through such measures as attendance rates and chronic absenteeism; and

(C) a student’s ability to apply for employment, postsecondary education, and financial aid programs;

(7) an analysis of the how a student’s lack of home Internet access impacts the instructional practice of educators, including—

(A) the extent to which educators alter instructional methods, resources, homework assignments, and curriculum in order to accommodate differing levels of home Internet access; and

(B) strategies employed by educators, school leaders, and administrators to address the differing levels of home Internet access among students; and

(8) a description of the ways in which State educational agencies, local educational agencies, schools, and other entities, including through partnerships, have developed effective means to provide students with Internet access outside of the school day.

(b) PUBLIC DISSEMINATION.—The Director of the Institute of Education Sciences shall widely disseminate the findings of the study under this section—

(1) in a timely fashion;

(2) in a form that is understandable, easily accessible, and publicly available and usable, or adaptable for use in, the improvement of educational practice;

(3) through electronic transfer and other means, such as posting, as available, to the website of the Institute of Education Sciences, or the Department of Education; and

(4) to all State educational agencies and other recipients of funds under part D of title IV of the Elementary and Secondary Education Act of 1965.

(c) DEFINITION OF DIGITAL LEARNING.—In this section, the term “digital learning”—

(1) has the meaning given the term in section 5702 of the Elementary and Secondary Education Act of 1965; and

(2) includes an educational practice that effectively uses technology to strengthen a student’s learning experience within and outside of the classroom and at home, which may include the use of digital learning content, video, software, and other resources that may be developed, as the Secretary of Education may determine.

**SA 2155.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

**SEC. 7006. REPORT ON RESPONSES TO INDIAN STUDENT SUICIDES.**

(a) PREPARATION.—

(1) IN GENERAL.—The Secretary of Education, in coordination with the Secretary of the Interior and the Secretary of Health and Human Services, shall prepare a report on efforts to address outbreaks of suicides among elementary school and secondary school students (referred to in this section as “student suicides”) that occurred within 1 year prior to the date of enactment of this Act in Indian country (as defined in section 1151 of title 18, United States Code).

(2) CONTENTS.—The report shall include information on—

(A) the Federal response to the occurrence of high numbers of student suicides in Indian country (as so defined);

(B) a list of Federal resources available to prevent and respond to outbreaks of student suicides, including the availability and use of tele-behavioral health care;

(C) any barriers to timely implementation of programs or interagency collaboration regarding student suicides;

(D) interagency collaboration efforts to streamline access to programs regarding student suicides, including information on how the Department of Education, the Department of the Interior, and the Department of Health and Human Services work together on administration of such programs;

(E) recommendations to improve or consolidate resources or programs described in subparagraph (B) or (D); and

(F) feedback from Indian tribes to the Federal response described in subparagraph (A).

(b) SUBMISSION.—Not later than 90 days after the date of enactment of this Act, the Secretary of Education shall submit the report described in subsection (a) to the appropriate committees of Congress.

**SA 2156.** Mrs. CAPITO (for herself and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 82, between lines 23 and 24, insert the following:

“(xviii) for each high school in the State, and beginning with the report card released in 2017, the cohort rate (in the aggregate, and disaggregated for each category of students defined in subsection (b)(3)(A), except that such disaggregation shall not be required in a case in which the number of students is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student) at which students who graduate from the high school enroll, for the first academic year that begins after the students’ graduation—

“(I) in programs of public postsecondary education in the State; and

“(II) if data are available and to the extent practicable, in programs of private postsecondary education in the State or programs of postsecondary education outside the State;

“(xix) if available and to the extent practicable, for each high school in the State and beginning with the report card released in 2018, the remediation rate (in the aggregate, and disaggregated for each category of students defined in subsection (b)(3)(A), except that such disaggregation shall not be required in a case in which the number of students is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student) for students who graduate from the high school at—

“(I) programs of postsecondary education in the State; and

“(II) programs of postsecondary education outside the State;

**SA 2157.** Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 615, between lines 22 and 23, insert the following:

“(3) RESERVATION FOR EVALUATION.—From the amounts appropriated under section 5903 for a fiscal year, the Secretary shall reserve one-half of 1 percent to conduct, in consultation with the Secretary of Health and Human Services, an evaluation to determine whether grants under this part are—

(A) improving efficiency in the use of Federal funds for early childhood education programs;

(B) improving coordination across Federal early childhood education programs; and

(C) increasing the availability of, and access to, high-quality early childhood education programs for eligible children.

**SA 2158.** Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

Strike section 5007.

**SA 2159.** Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

After section 4005, insert the following:

**SEC. 4006. FAMILY ENGAGEMENT IN EDUCATION PROGRAMS.**

Title IV (20 U.S.C. 7101 et seq.), as amended by sections 4001, 4004, and 4005, is further amended by adding at the end the following:

**“PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS**

**“SEC. 4501. PURPOSES.**

“The purposes of this part 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 1115 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. 4502. GRANTS AUTHORIZED.**

“(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—From the amount appropriated under section 4506, 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. 4503. 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) A description of the steps the applicant will take to target services to low-income students and parents.

“(6) 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 part 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 Statewide Family Engagement 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 part 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;

“(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; and

“(K) conduct outreach to low-income students and parents, including low-income students and parents who are not proficient in English.

**“SEC. 4504. USES OF FUNDS.**

“(a) IN GENERAL.—Grantees shall use grant funds received under this part, based on the needs determined under section 4503, 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 afterschool 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 decisionmaking;

“(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 4506 to carry out this part 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 parents to direct the education of their children.

**“SEC. 4505. 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 tribes, tribal organizations, or Indian nonprofit parent organizations to establish and operate Family Engagement Centers.

**“SEC. 4506. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2016 through 2021.”.

**SA 2160.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**PART C—SAFE PLAY**

**SEC. 10301. SHORT TITLE.**

This part may be cited as the “Supporting Athletes, Families and Educators to Protect the Lives of Athletic Youth Act” or the “SAFE PLAY Act”.

**SEC. 10302. EDUCATION, AWARENESS, AND TRAINING ABOUT CHILDREN’S CARDIAC CONDITIONS TO INCREASE EARLY DIAGNOSIS AND PREVENT DEATH.**

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

**“SEC. 399V-6. MATERIALS AND EDUCATIONAL RESOURCES TO INCREASE AWARENESS OF CARDIOMYOPATHY AND OTHER HIGHER RISK CHILDHOOD CARDIAC CONDITIONS AMONG SCHOOL ADMINISTRATORS, EDUCATORS, COACHES, STUDENTS AND FAMILIES.**

“(a) MATERIALS AND RESOURCES.—Not later than 18 months after the date of enactment of the SAFE PLAY Act, the Secretary, acting through the Director of the Centers for Disease Control and Prevention (referred to in this section as the ‘Director’) and in consultation with national patient advocacy and health professional organizations experts in cardiac health, including all forms of cardiomyopathy, shall develop public education and awareness materials and resources to be disseminated to school administrators, educators, school health professionals, coaches, families, and other appropriate individuals. The materials and resources shall include—

“(1) information to increase education and awareness of high risk cardiac conditions and genetic heart rhythm abnormalities that may cause sudden cardiac arrest in children, adolescents, and young adults, including—

“(A) cardiomyopathy;

“(B) conditions such as long QT syndrome, Brugada syndrome, catecholaminergic polymorphic ventricular tachycardia, short QT syndrome, Wolff-Parkinson-White syndrome; and

“(C) other cardiac conditions, as determined by the Secretary;

“(2) sudden cardiac arrest and cardiomyopathy risk assessment worksheets to increase awareness of warning signs and symptoms of life-threatening cardiac conditions in order to prevent acute cardiac episodes and increase the likelihood of early detection and treatment;

“(3) information and training materials for emergency interventions such as

cardiopulmonary resuscitation (referred to in this section and in section 399V-7 as ‘CPR’) and ways to obtain certification in CPR delivery;

“(4) guidelines and training materials for the proper placement and use of life-saving emergency equipment such as automatic external defibrillators (referred to in this section and section 399V-7 as ‘AED’) and ways to obtain certification on AED usage; and

“(5) recommendations for how schools, childcare centers, and local youth athletic organizations can develop and implement cardiac emergency response plans, including recommendations about how a local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) can apply such response plans to all students enrolled in the public schools served by such local educational agency.

“(b) DEVELOPMENT OF MATERIALS AND RESOURCES.—The Secretary, acting through the Director, shall develop and update, as necessary and appropriate, the materials and resources described in subsection (a) and, in support of such effort, the Secretary is encouraged to establish an advisory panel that includes the following members:

“(1) Representatives from national patient advocacy organizations, including—

“(A) not less than 1 organization dedicated to pediatrics;

“(B) not less than 1 organization dedicated to school-based wellness;

“(C) not less than 1 organization dedicated to cardiac research, health, and awareness; and

“(D) not less than 1 organization dedicated to advocacy and support for individuals with cognitive impairments or developmental disabilities.

“(2) Representatives of medical professional societies, including pediatrics, cardiology, emergency medicine, and sports medicine.

“(3) A representative of the Centers for Disease Control and Prevention.

“(4) Representatives of other relevant Federal agencies.

“(5) Representatives of schools, such as administrators, educators, sports coaches, and nurses.

“(c) DISSEMINATION OF MATERIALS AND RESOURCES.—Not later than 30 months after the date of enactment of the SAFE PLAY Act, the Secretary, acting through the Director, shall disseminate the materials and resources described in subsection (a) in accordance with the following:

“(1) DISTRIBUTION BY STATE EDUCATIONAL AGENCIES.—The Secretary shall make available such written materials and resources to State educational agencies (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) to distribute—

“(A) to school administrators, educators, school health professionals, coaches, and parents, guardians, or other caregivers, the cardiomyopathy education and awareness materials and resources described in subsection (a);

“(B) to parents, guardians, or other caregivers, the cardiomyopathy and sudden cardiac arrest risk assessment worksheets described in subsection (a)(2);

“(C) to school administrators, school health professionals, and coaches—

“(i) the information and training materials described in subsection (a)(3); and

“(ii) the guidelines and training materials described in subsection (a)(4); and

“(D) to school administrators, educators, coaches, and youth sports organizations, the recommendations described in subsection (a)(5).



“(2) DISSEMINATION TO HEALTH DEPARTMENTS AND PROFESSIONALS.—The Secretary shall make available such materials and resources to State and local health departments, pediatricians, hospitals, and other health professionals, such as nurses and first responders.

“(3) DISSEMINATION OF INFORMATION THROUGH THE INTERNET.—

“(A) CDC.—

“(i) IN GENERAL.—The Secretary, acting through the Director, shall post the materials and resources developed under subsection (a) on the public Internet website of the Centers for Disease Control and Prevention.

“(ii) MAINTENANCE OF INFORMATION.—The Director shall maintain on such Internet website such additional and updated information regarding the resources and materials under subsection (a) as necessary to ensure such information reflects the latest standards.

“(B) STATE EDUCATIONAL AGENCIES.—State educational agencies are encouraged to create Internet webpages dedicated to disseminating the information and resources developed under subsection (a) to the general public, with an emphasis on targeting dissemination to families of students and students.

“(4) ACCESSIBILITY OF INFORMATION.—The information regarding the resources and materials under subsection (a) shall be made available in a format and in a manner that is readily accessible to individuals with cognitive and sensory impairments.

“(d) REPORT TO CONGRESS.—Not later than 3 years after the date of the enactment of this section, and annually thereafter, the Secretary shall submit to Congress a report identifying the steps taken to increase public education and awareness of higher risk cardiac conditions that may lead to sudden cardiac arrest.

“(e) DEFINITIONS.—In this section:

“(1) SCHOOL ADMINISTRATORS.—The term ‘school administrator’ means a principal, director, manager, or other supervisor or leader within an elementary school or secondary school (as such terms are defined under section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), State-based early education program, or childcare center.

“(2) SCHOOLS.—The term ‘school’ means an early education program, childcare center, or elementary school or secondary school (as such terms are so defined) that is not an Internet- or computer-based community school.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2016 through 2021.

**“SEC. 399V-7. GRANTS TO PROVIDE FOR CARDIAC TRAINING AND EQUIPMENT IN PUBLIC ELEMENTARY, MIDDLE, AND SECONDARY SCHOOLS.**

“(a) AUTHORITY TO MAKE GRANTS.—The Secretary, in consultation with the Secretary of Education, shall award grants to eligible local educational agencies—

“(1) to enable such local educational agencies to purchase AEDs and implement nationally recognized CPR and AED training courses; or

“(2) to enable such local educational agencies to award funding to eligible schools that are served by the local educational agency to purchase AEDs and implement nationally recognized CPR and AED training courses.

“(b) USE OF FUNDS.—An eligible local educational agency receiving a grant under this section, or an eligible school receiving grant funds under this section through an eligible local educational agency, shall use the grant funds—

“(1) to pay a nationally recognized training organization, such as the American

Heart Association, the American Red Cross, or the National Safety Council, for instructional, material, and equipment expenses associated with the training necessary to receive CPR and AED certification in accordance with the materials and resources developed under section 399V-6(a)(3); or

“(2) if the local educational agency or an eligible school served by such agency meets the conditions described under subsection (c)(2), to purchase AED devices for eligible schools and pay the costs associated with obtaining the certifications necessary to meet the guidelines established in section 399V-6(a)(4).

“(c) GRANT ELIGIBILITY.—

“(1) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information and certifications as such Secretary may reasonably require.

“(2) AED TRAINING AND ALLOCATION.—To be eligible to use grant funds to purchase AED devices as described in subsection (b)(2), an eligible local educational agency shall demonstrate to the Secretary that such local educational agency or an eligible school served by such agency has or intends to implement an AED training program in conjunction with a CPR training program and has or intends to implement an emergency cardiac response plan as of the date of the submission of the grant application.

“(d) PRIORITY OF AWARD.—The Secretary shall award grants under this section to eligible local educational agencies based on 1 or more of the following priorities:

“(1) A demonstrated need for initiating a CPR or AED training program in an eligible school or a community served by an eligible school, which may include—

“(A) schools that do not already have an automated AED on school grounds;

“(B) schools in which there are a significant number of students on school grounds during a typical day, as determined by the Secretary;

“(C) schools for which the average time required for emergency medical services (as defined in section 330J(f)) to reach the school is greater than the average time required for emergency medical services to reach other public facilities in the community; and

“(D) schools that have not received funds under the Rural Access to Emergency Devices Act (42 U.S.C. 254c note).

“(2) A demonstrated need for continued support of an existing CPR or AED training program in an eligible school or a community served by an eligible school.

“(3) A demonstrated need for expanding an existing CPR or AED training program by adding training in the use of an AED.

“(4) Previously identified opportunities to encourage and foster partnerships with and among community organizations, including emergency medical service providers, fire and police departments, nonprofit organizations, public health organizations, parent-teacher associations, and local and regional youth sports organizations to aid in providing training in both CPR and AED usage and in obtaining AED equipment.

“(5) Recognized opportunities to maximize the use of funds provided under this section.

“(e) MATCHING FUNDS REQUIRED.—

“(1) IN GENERAL.—To be eligible to receive a grant under this section, an eligible local educational agency shall provide matching funds from non-Federal sources in an amount equal to not less than 25 percent of the total grant amount.

“(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) for an eligible local educational agency if the number of children counted under section 1124(c)(1)(A)

of the Elementary and Secondary Education Act of 1965 for the local educational agency is 20 percent or more of the total number of children aged 5 to 17, inclusive, served by the eligible local educational agency.

“(f) DEFINITIONS.—In this section:

“(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ‘eligible local educational agency’ means a local educational agency, as defined in section 9101 of the Elementary and Secondary Education Act of 1965, that has established a plan to follow the guidelines and carry out the recommendations described under section 399V-6(a) regarding cardiac emergencies.

“(2) ELIGIBLE SCHOOL.—The term ‘eligible school’ means a public elementary, middle, or secondary school, including any public charter school that is considered a local educational agency under State law, and which is not an Internet- or computer-based community school.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2016 through 2021.

**“SEC. 399V-8. REQUIREMENT TO INCLUDE CARDIAC CONDITIONS IN EXISTING RESEARCH AND INVESTIGATIONS.**

“The Director of the Centers for Disease Control and Prevention shall develop data collection methods, to be included in the School Health Policies and Practices Survey authorized under section 301, that are being carried out as of the date of enactment of the SAFE PLAY Act, to determine the degree to which school administrators, educators, school health professionals, coaches, families, and other appropriate individuals have an understanding of cardiac issues. Such data collection methods shall be designed to collect information about—

“(a) the ability to accurately identify early symptoms of a cardiac condition, such as cardiomyopathy, cardiac arrest, and sudden cardiac death;

“(b) the dissemination of training described in section 399V-6(a)(3) regarding the proper performance of cardiopulmonary resuscitation; and

“(c) the dissemination of guidelines and training described in section 399V-6(a)(4) regarding the placement and use of automatic external defibrillators.”

**SEC. 10303. GUIDELINES FOR EMERGENCY ACTION PLANS FOR ATHLETICS.**

The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, and in consultation with the Secretary of Education, shall work with stakeholder organizations to develop recommended guidelines for the development of emergency action plans for youth athletics. Such plans shall include the following:

(1) Identifying the characteristics of an athletic, medical, or health emergency.

(2) Procedures for accessing emergency communication equipment and contacting emergency personnel, including providing directions to the specific location of the athletic venue that is used by the youth athletic group or organization.

(3) Instructions for utilizing appropriate first-aid and cardiopulmonary resuscitation techniques and accessing and utilizing emergency equipment, such as an automatic external defibrillator.

**SEC. 10304. GUIDELINES FOR SAFE ENERGY DRINK USE BY YOUTH ATHLETES.**

(a) DEVELOPMENT OF GUIDELINES.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, in collaboration with the Director of the Centers for

Disease Control and Prevention and other related Federal agencies, may—

(1) develop information about the ingredients used in energy drinks and the potential side effects of energy drink consumption; and

(2) recommend guidelines for the safe use of energy drink consumption by youth, including youth participating in athletic activities.

(b) **DISSEMINATION OF GUIDELINES.**—Not later than 6 months after any information or guidelines are developed under subsection (a), the Secretary of Education, in coordination with the Commissioner of Food and Drugs, shall disseminate such information and guidelines to school administrators, educators, school health professionals, coaches, families, and other appropriate individuals.

(c) **ENERGY DRINK DEFINED.**—In this section the term “energy drink” means a class of products in liquid form, marketed as either a dietary supplement or conventional food under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), for the stated purpose of providing the consumer with added physical or mental energy, and that contains each of the following:

(1) Caffeine.

(2) At least 1 of the following ingredients:

(A) Taurine.

(B) Guarana.

(C) Ginseng.

(D) B vitamins such as cobalamin, folic acid, pyridoxine, or niacin.

(E) Any other ingredient added for the express purpose of providing physical or mental energy, as determined during the development of guidelines in accordance with subsection (a).

(d) **PROHIBITION ON RESTRICTION OF MARKETING AND SALES OF ENERGY DRINKS.**—Nothing in this section shall be construed to provide the Commissioner of Food and Drugs with authority to regulate the marketing and sale of energy drinks, beyond such authority as such Commissioner has as of the date of enactment of this Act.

**SEC. 10305. RESEARCH RELATING TO YOUTH ATHLETIC SAFETY.**

(a) **EXPANSION OF CDC RESEARCH.**—Section 301 of the Public Health Service Act (42 U.S.C. 241) is amended by adding at the end the following:

“(f) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall, to the extent practicable, expand, intensify, and coordinate the activities of the Centers for Disease Control and Prevention with respect to cardiac conditions, concussions, and heat-related illnesses among youth athletes.”.

(b) **REPORT TO CONGRESS.**—Not later than 6 years after the enactment of this Act, the Director of the Centers for Disease Control and Prevention and the Secretary of Education shall prepare and submit a joint report to Congress that includes information, with respect to the 5-year period beginning after the date of enactment of this Act, about—

(1) the number of youth fatalities that occur while a youth is participating in an athletic activity, and the cause of each of those deaths; and

(2) the number of catastrophic injuries sustained by a youth while the youth is participating in an athletic activity, and the cause of such injury.

Between sections 9115 and 9116, insert the following:

**SEC. 9115A. HEAT ADVISORY AND HEAT ACCLIMATIZATION GUIDELINES FOR SECONDARY SCHOOL ATHLETICS.**

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 4001, 9114, and 9115, and redesignated by section 9106, is further amended by adding at the end the following:

**“SEC. 9539A. HEAT ADVISORY AND HEAT ACCLIMATIZATION PROCEDURES.**

“(a) **MATERIALS AND RESOURCES.**—The Secretary, in consultation with the Secretary of Health and Human Services and the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall develop public education and awareness materials and resources to be disseminated to school administrators, school health professionals, coaches, families, and other appropriate individuals. The materials and resources shall include—

“(1) information regarding the health risks associated with exposure to excessive heat and excessive humidity, as defined by the National Weather Service;

“(2) tips and recommendations on how to avoid heat-related illness, including proper hydration and access to the indoors or cooling stations; and

“(3) strategies for ‘heat-acclimatization’ that address the types and duration of athletic activities considered to be generally safe during periods of excessive heat.

“(b) **IMPLANTATION OF EXCESSIVE HEAT ACTION PLAN.**—Public schools shall develop an ‘excessive heat action plan’ to be used during all school-sponsored athletic activities that occur during periods of excessive heat and humidity. Such plan shall—

“(1) be in effect prior to full scale athletic participation by students, including any practices or scrimmages prior to the beginning of the school’s academic year; and

“(2) apply to days when an Excessive Heat Watch or Excessive Heat Warning or Advisory has been issued by the National Weather Service for the area in which the athletic event is to take place.”.

**SEC. 9115B. PREVENTION AND TREATMENT OF YOUTH ATHLETE CONCUSSIONS.**

Part F of title IX (20 U.S.C. 7881 et seq.), as amended by sections 2001 and 4001, and redesignated by section 9106, is further amended by adding at the end the following:

**“Subpart 7—State Requirements for the Prevention and Treatment of Concussions**

**“SEC. 9581. MINIMUM STATE REQUIREMENTS.**

“(a) **IN GENERAL.**—Beginning for fiscal year 2016, as a condition of receiving funds under title IV for a fiscal year, a State shall, not later than July 1 of the preceding fiscal year, certify to the Secretary in accordance with subsection (b) that the State has in effect and is enforcing a law or regulation that, at a minimum, establishes the following requirements:

“(1) **LOCAL EDUCATIONAL AGENCY CONCUSSION SAFETY AND MANAGEMENT PLAN.**—Each local educational agency in the State (including each public charter school that is considered a local educational agency under State law), in consultation with members of the community in which the local educational agency is located, and taking into consideration the guidelines of the Centers for Disease Control and Prevention’s Pediatric Mild Traumatic Brain Injury Guideline Workgroup, shall develop and implement a standard plan for concussion safety and management for public schools served by the local educational agency that includes—

“(A) the education of students, school administrators, educators, coaches, youth sports organizations, parents, and school personnel about concussions, including—

“(i) training of school personnel on evidence-based concussion safety and management, including prevention, recognition, risk, academic consequences, and response for both initial and any subsequent concussions; and

“(ii) using, maintaining, and disseminating to students and parents release forms, treatment plans, observation, monitoring, and re-

porting forms, recordkeeping forms, and post-injury and prevention fact sheets about concussions;

“(B) supports for each student recovering from a concussion, including—

“(i) guiding the student in resuming participation in school-sponsored athletic activities and academic activities with the help of a multidisciplinary concussion management team, which shall include—

“(I) a health care professional, the parents of such student, and other relevant school personnel; and

“(II) an individual who is assigned by the public school in which the student is enrolled to oversee and manage the recovery of the student;

“(ii) providing appropriate academic accommodations aimed at progressively reintroducing cognitive demands on such student; and

“(iii) if the student’s symptoms of concussion persist for a substantial period of time—

“(I) evaluating the student in accordance with section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414) to determine whether the student is eligible for services under part B of such Act (20 U.S.C. 1411 et seq.); or

“(II) evaluating whether the student is eligible for services under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

“(C) best practices, as defined by national neurological medical specialty and sports health organizations, designed to ensure, with respect to concussions, the uniformity of safety standards, treatment, and management, including—

“(i) disseminating information on concussion safety and management to the public; and

“(ii) applying best practice and uniform standards for concussion safety and management to all students enrolled in the public schools served by the local educational agency.

“(2) **POSTING OF INFORMATION ON CONCUSSIONS.**—Each public school in the State shall post on school grounds, in a manner that is visible to students and school personnel, and make publicly available on the school website, information on concussions that—

“(A) is based on peer-reviewed scientific evidence or consensus (such as information made available by the Centers for Disease Control and Prevention);

“(B) shall include—

“(i) the risks posed by sustaining a concussion or multiple concussions;

“(ii) the actions a student should take in response to sustaining a concussion, including the notification of school personnel; and

“(iii) the signs and symptoms of a concussion; and

“(C) may include—

“(i) the definition of a concussion under section 9582(1);

“(ii) the means available to the student to reduce the incidence or recurrence of a concussion; and

“(iii) the effects of a concussion on academic learning and performance.

“(3) **RESPONSE TO A CONCUSSION.**—If any school personnel of a public school in the State suspect that a student has sustained a concussion during a school-sponsored athletic activity or other school-sponsored activity—

“(A) the student shall be—

“(i) immediately removed from participation in such activity; and

“(ii) prohibited from resuming participation in school-sponsored athletic activities—

“(I) on the day the student sustained the concussion; and

“(II) until the day the student is capable of resuming such participation, according to

the student's written release, as described in paragraphs (4) and (5);

“(B) the school personnel shall report to the concussion management team described under paragraph (1)(B)(i)—

“(i) that the student may have sustained a concussion; and

“(ii) all available information with respect to the student's injury; and

“(C) the concussion management team shall confirm and report to the parents of the student—

“(i) the type of injury, and the date and time of the injury, suffered by the student; and

“(ii) any actions that have been taken to treat the student.

“(4) RETURN TO ATHLETICS.—If a student enrolled in a public school in the State sustains a concussion, before the student resumes participation in school-sponsored athletic activities, the relevant school personnel shall receive a written release from a health care professional, that—

“(A) may require the student to follow a plan designed to aid the student in recovering and resuming participation in such activities in a manner that—

“(i) is coordinated, as appropriate, with periods of cognitive and physical rest while symptoms of a concussion persist; and

“(ii) reintroduces cognitive and physical demands on the student on a progressive basis so long as such increases in exertion do not cause the re-emergence or worsening of symptoms of a concussion; and

“(B) states that the student is capable of resuming participation in such activities once the student is asymptomatic.

“(5) RETURN TO ACADEMICS.—If a student enrolled in a public school in the State has sustained a concussion, the concussion management team (as described under paragraph (1)(B)(i)) of the school shall consult with and make recommendations to relevant school personnel and the student to ensure that the student is receiving the appropriate academic supports, including—

“(A) providing for periods of cognitive rest over the course of the school day;

“(B) providing modified academic assignments;

“(C) allowing for gradual reintroduction to cognitive demands; and

“(D) other appropriate academic accommodations or adjustments.

“(b) CERTIFICATION REQUIREMENT.—The certification required under subsection (a) shall be in writing and include a description of the law or regulation that meets the requirements of subsection (a).

**“SEC. 9582. DEFINITIONS.**

“In this subpart:

“(1) CONCUSSION.—The term ‘concussion’ means a type of mild traumatic brain injury that—

“(A) is caused by a blow, jolt, or motion to the head or body that causes the brain to move rapidly in the skull;

“(B) disrupts normal brain functioning and alters the physiological state of the individual, causing the individual to experience—

“(i) any period of observed or self-reported—

“(I) transient confusion, disorientation, or altered consciousness;

“(II) dysfunction of memory around the time of injury; or

“(III) disruptions in gait or balance; and

“(ii) symptoms that may include—

“(I) physical symptoms, such as headache, fatigue, or dizziness;

“(II) cognitive symptoms, such as memory disturbance or slowed thinking;

“(III) emotional symptoms, such as irritability or sadness; or

“(IV) difficulty sleeping; and

“(C) occurs—

“(i) with or without the loss of consciousness; and

“(ii) during participation—

“(I) in a school-sponsored athletic activity; or

“(II) in any other activity without regard to whether the activity takes place on school property or during the school day.

“(2) HEALTH CARE PROFESSIONAL.—The term ‘health care professional’ means a physician (including a medical doctor or doctor of osteopathic medicine), registered nurse, athletic trainer, physical therapist, neuropsychologist, or other qualified individual—

“(A) who is registered, licensed, certified, or otherwise statutorily recognized by the State to provide medical treatment; and

“(B) whose scope of practice and experience includes the diagnosis and management of traumatic brain injury among a pediatric population.

“(3) PARENT.—The term ‘parent’ means biological or adoptive parents or legal guardians, as determined by applicable State law.

“(4) PUBLIC SCHOOL.—The term ‘public school’ means an elementary school or secondary school (as such terms are so defined), including any public charter school that is considered a local educational agency under State law, and which is not an Internet- or computer-based community school.

“(5) SCHOOL PERSONNEL.—The term ‘school personnel’ has the meaning given such term in section 4151, except that such term includes coaches and athletic trainers.

“(6) SCHOOL-SPONSORED ATHLETIC ACTIVITY.—The term ‘school-sponsored athletic activity’ means—

“(A) any physical education class or program of a public school;

“(B) any athletic activity authorized by a public school that takes place during the school day on the school's property;

“(C) any activity of an extracurricular sports team, club, or league organized by a public school; and

“(D) any recess activity of a public school.”.

**SA 2161.** Mr. KIRK (for himself, Mr. REED, Ms. BALDWIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 69, between lines 16 and 17, insert the following:

“(N) how the State will measure and report on indicators of student access to critical educational resources and identify disparities in such resources (referred to for purposes of this Act as an ‘Opportunity Dashboard of Core Resources’) for each local educational agency and each public school in the State in a manner that—

“(i) provides data on each indicator, for all students and disaggregated by each of the categories of students, as defined in subsection (b)(3)(A); and

“(ii) is based on the indicators described in clauses (v), (vii), (x), (xiii), and (xiv) of subsection (d)(1)(C) and not less than 3 of the following:

“(I) access to qualified paraprofessionals, and specialized instructional support personnel, who are certified or licensed by the State;

“(II) availability of health and wellness programs;

“(III) availability of dedicated school library programs and modern instructional materials and school facilities;

“(IV) enrollment in early childhood education programs and full-day, 5-day-a-week kindergarten; and

“(V) availability of core academic subject courses;

“(O) how the State will develop plans with local educational agencies, including a timeline with annual benchmarks, to address disparities identified under subparagraph (N) and, if a local educational agency does not achieve the applicable annual benchmarks for two consecutive years, how the State will allocate resources and supports to such local educational agency based on the identified needs;

On page 82, between lines 23 and 24, insert the following:

“(xviii) Information on the indicators of student access to critical educational resources selected by the State, as described in subsection (c)(1)(N), for all students and disaggregated by each of the categories of students, as defined in subsection (b)(3)(A), for each local educational agency and each school in the State and by the categories described in clause (vii).

On page 115, after line 25, add the following:

“(3) RESOURCE, SUPPORT, AND PROGRAM AVAILABILITY.—A local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the availability of critical educational resources, supports, and programs, as described in the State plan in accordance with section 1111(c)(1)(N).

**SA 2162.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 52, strike line 3 and all that follows through line 9 and insert the following:

“(K) PARENTAL NOTIFICATION AND OPT-OUT.—

“(i) NOTIFICATION.—Each State receiving funds under this part shall ensure that the parents of each child in the State who are scheduled to take an assessment described in this paragraph during the academic year are notified, at the beginning of that academic year, about any such assessment that their child is scheduled to take and the following information about each such assessment:

“(I) The dates when the assessment will take place.

“(II) The subject of the assessment.

“(III) Any additional information that the State believes will best inform parents regarding the assessment their child is scheduled to take.

“(ii) DELAYED OR CHANGED ASSESSMENT INFORMATION.—If any of the information described in clause (i) is not available at the beginning of the academic school year, or if the initial information provided at that time is changed, the State shall ensure that a subsequent notification is provided to parents not less than 14 days prior to the scheduled assessment, which shall include any new or changed information.

“(iii) OPT-OUT.—

“(I) IN GENERAL.—Notwithstanding the requirement described in section

1111(b)(3)(B)(vi), or any other provision of law, upon the request of the parent of a child made in accordance with subclause (II), and for any reason or no reason at all stated by the parent, a State shall allow the child to opt out of the assessments described in this paragraph. Such an opt-out, or any action related to that opt-out, may not be used by the Secretary, the State, any State or local agency, or any school leader or employee as the basis for any corrective action, penalty, or other consequence against the parent, the child, any school leader or employee, or the school.

“(II) FORM OF PARENTAL OPT-OUT REQUEST.—Unless a State has implemented an alternative process for parents to opt out of assessments as described in this subparagraph, a parent shall request to have their child opt out of an assessment by submitting such request to their child’s school in writing.

“(iv) APPLICABILITY.—The requirements relating to notification and opt-out in this subparagraph shall only apply to federally mandated assessments. A State may implement separate requirements for notification and opt-out relating to State and locally mandated assessments.”

On page 58, on line 21, after “paragraph (2)” insert “(except that such 95 percent requirements shall exclude any student who, pursuant to paragraph (2)(K), opts out of an assessment)”.

**SA 2163.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

After section 9115, insert the following:

**SEC. 9116. RULE OF CONSTRUCTION REGARDING TRAVEL TO AND FROM SCHOOL.**

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections, 9114 and 9115, and redesignated by section 9601, is further amended by adding at the end the following:

**“SEC. 9539A. RULE OF CONSTRUCTION REGARDING TRAVEL TO AND FROM SCHOOL.**

“Nothing in this Act shall authorize the Secretary to, or shall be construed to—

“(1) prohibit a child from traveling to and from school on foot or by car, bus, or bike when the parent of the child has given permission; or

“(2) expose a parent to civil or criminal charges for allowing their child to responsibly and safely travel to and from school by a means the parent believes is age appropriate.”

**SA 2164.** Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 44, strike lines 19 through 25.

On page 47, lines 19 through 21, strike “, consistent with the 1 percent limitation of clause (i)(D)”.

**SA 2165.** Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MUR-

RAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 58, line 19, insert “(excluding students whose parent opts the student out of assessments under paragraph (2) in accordance with a State or local educational agency policy, procedure, or parental right regarding student participation in any mandated assessments for the student)” after “students.”

**SA 2166.** Mr. BROWN (for himself, Mr. CASEY, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

After part B of title X, insert the following:

**PART C—AMERICORPS SCHOOL TURNAROUND**

**SEC. 10301. SHORT TITLE.**

This part may be cited as the “AmeriCorps School Turnaround Act of 2015”

**SEC. 10302. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) Students are most successful when they have personal, attentive support.

(2) Turning schools around requires collaboration among teachers, administrators, counselors, business leaders, the philanthropic sector, and community members.

(3) National service provides valuable support to elementary schools and secondary schools and has a record for improving student academic achievement.

(b) PURPOSES.—The purposes of this part are to—

(1) strengthen and accelerate interventions in the lowest-performing elementary schools and secondary schools;

(2) provide financial support to eligible entities that serve low-performing schools;

(3) significantly improve outcomes for students in persistently low-performing schools by—

(A) providing opportunities for academic enrichment;

(B) extending learning time; and

(C) providing individual support for students; and

(4) improve high school graduation rates and college readiness for the most disadvantaged students.

**SEC. 10303. DEFINITIONS.**

In this part:

(1) CHIEF EXECUTIVE OFFICER.—The term “Chief Executive Officer” means the Chief Executive Officer of the Corporation for National and Community Service appointed under section 193 of the National and Community Service Act of 1990 (42 U.S.C. 12651c).

(2) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) an elementary school or secondary school; or

(B) any of the following entities that serve low-performing schools:

(i) Public or private nonprofit organizations, including faith-based and other community organizations.

(ii) Local educational agencies.

(iii) Institutions of higher education.

(iv) Government entities within States.

(v) Indian Tribes.

(vi) Labor organizations.

(3) LOW-PERFORMING SCHOOL.—The term “low-performing school” means an elementary school or secondary school that is identified under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316).

(4) NATIONAL SERVICE PARTICIPANT.—The term “national service participant” means an individual described under part III of the National and Community Service Act of 1990 (42 U.S.C. 12591 et seq.).

(5) SCHOOL TURNAROUND CORPS PROJECT.—The term “School Turnaround Corps project” means a project carried out by an eligible entity that is a permissible use of funds for a grant under this part.

(6) SECRETARY.—The term “Secretary” means the Secretary of Education.

**SEC. 10304. INTERAGENCY AGREEMENT FOR SCHOOL TURNAROUND GRANTS.**

(a) INTERAGENCY AGREEMENT.—

(1) IN GENERAL.—The Chief Executive Officer shall enter into an interagency agreement with the Secretary similar to an interagency agreement described in section 121(b)(1) of the National and Community Service Act of 1990 (42 U.S.C. 12571(b)(1)) regarding the grant program described in section 10305, except that funds appropriated under this part may be used as if for the purposes for which funds may be provided through grants under section 121(a) of the National and Community Service Act of 1990 (42 U.S.C. 12571(a)).

(2) AMENDMENT TO THE NCSA.—Section 121(b) of such Act (42 U.S.C. 12571(b)) is amended by adding at the end the following:

“(6) SCHOOL TURNAROUND GRANT INTERAGENCY AGREEMENT.—Notwithstanding paragraph (1), the Corporation shall enter into an interagency agreement similar to an interagency agreement described in paragraph (1) with the Secretary of Education under this subsection regarding the school turnaround grant program described in section 10305 of the AmeriCorps School Turnaround Act of 2015.”

(b) APPROVED NATIONAL SERVICE POSITIONS.—

(1) IN GENERAL.—The Chief Executive Officer shall approve positions for School Turnaround Corps projects as approved national service positions in accordance with subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

(2) DISTRIBUTION OF ASSISTANCE AND APPROVED POSITIONS UNAFFECTED.—Nothing in this part shall be construed to affect the distribution of assistance or approved national service positions under section 129 of the National and Community Service Act of 1990 (42 U.S.C. 12581).

(c) TREATMENT OF FUNDS APPROPRIATED.—

(1) NATIONAL SERVICE TRUST.—For purposes of section 145(a)(1) of the National and Community Service Act of 1990 (42 U.S.C. 12601(a)(1)), a portion of the funds appropriated under this part, as determined by the Chief Executive Officer based on the number of participants selected for School Turnaround Corps projects, shall be treated as funds made available to carry out subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

(2) INVESTMENT OF TRUST FUNDS.—For purposes of subsection (b) of section 145 of the National and Community Service Act of 1990 (42 U.S.C. 12601), a portion of the funds appropriated under this part, as determined by the Chief Executive Officer based on the number of participants selected for School Turnaround Corps projects, shall be treated as if appropriated to the Trust established under such section.

(3) RESERVE ACCOUNT.—For purposes of section 149(b)(1)(B)(ii) of the National and Community Service Act of 1990 (42 U.S.C.

12606(b)(1)(B)(ii)), a portion of the funds appropriated under this part, as determined by the Chief Executive Officer based on the number of participants selected for School Turnaround Corps projects, shall be treated as funds appropriated for the fiscal year involved under section 501 of the National and Community Service Act of 1990 (42 U.S.C. 12681) and made available to carry out subtitle C or D of title I of such Act (42 U.S.C. 12571 et seq.; 42 U.S.C. 12601 et seq.).

(4) **AUDITS.**—For purposes of section 149(c) of the National and Community Service Act of 1990 (42 U.S.C. 12606(c)), funds appropriated under this part shall be treated as appropriated funds for approved national service positions.

**SEC. 10305. SCHOOL TURNAROUND GRANT PROGRAM.**

(a) **IN GENERAL.**—From amounts made available under this part after the reservation described in subsection (b), the Chief Executive Officer, in consultation with the Secretary, shall award grants, on a competitive basis, to eligible entities to enable such eligible entities—

(1) to improve the academic achievement of elementary school and secondary school students; and

(2) to select national service participants and engage such participants' in School Turnaround Corps projects.

(b) **AMOUNTS RESERVED.**—The Chief Executive Officer shall reserve not less than 1 percent, and not more than 2 percent, of the amount appropriated to carry out this part for each fiscal year to award grants under this part to Indian tribes and organizations serving tribal populations.

(c) **PRIORITY.**—In making grants under this part, the Chief Executive Officer, in consultation with the Secretary—

(1) shall give priority to eligible entities that will serve significant populations of low-income students; and

(2) may give priority to eligible entities that—

(A) are located in low-income communities;

(B) will serve communities with significant populations of families with limited English proficiency;

(C) will place national service participants in urban or rural areas; or

(D) will increase the ability of educators to provide appropriate services and coordinate activities with State and local systems providing services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for children with developmental delays or disabilities, including such children in the child welfare system of the State.

(d) **USE OF FUNDS.**—

(1) **IN GENERAL.**—An eligible entity that receives a grant under this section shall use the funds made available through the grant to carry out 1 or more of the activities described in paragraphs (2) through (6), and shall engage national service participants to carry out such activities.

(2) **INCREASING HIGH-QUALITY, INDIVIDUALIZED LEARNING TIME.**—Improving the quality and frequency of individualized learning time provided to elementary school and secondary school students by providing individualized support, which may include increasing postsecondary education enrollment rates through postsecondary education preparation counseling assistance, including assistance with completing the Free Application for Federal Student Aid (FAFSA) and applications for institutions of higher education, and educating students and their families about financial literacy for postsecondary education.

(3) **OUT-OF-SCHOOL AND EXTENDED LEARNING PROGRAMS.**—Increasing personalized, out-of-

school and extended learning programs provided to elementary school and secondary school students by engaging national service participants to serve as—

(A) tutors who provide individualized, academic support outside of the standard school day; and

(B) family resource mentors who connect the student, family, and school in an open conversation about the student's academic situation.

(4) **COLLEGE AND CAREER READINESS AND GRADUATION COACHES.**—The provision of individual graduation, postsecondary education, and career preparation guidance and assistance by college or career planning advisors.

(5) **SCHOOLWIDE ACTIVITIES.**—Carrying out schoolwide activities, including—

(A) establishing a school culture and environment that improves school safety, attendance, and discipline and addressing other non-academic factors that impact student achievement, such as students' social, emotional, and health needs; and

(B) carrying out activities to increase graduation rates, such as early warning systems, credit-recovery programs, and re-engagement strategies.

(6) **ACCELERATING READING AND MATHEMATICS KNOWLEDGE AND SKILLS.**—The provision of activities to accelerate students' acquisition of reading and mathematics knowledge and skills.

**SEC. 10306. ANNUAL REPORT.**

(a) **IN GENERAL.**—As a condition on receipt of any funds for a program under this part, each grantee shall agree to submit an annual report at such time, in such manner, and containing such information as the Chief Executive Officer, in consultation with the Secretary, may require.

(b) **CONTENT.**—At a minimum, each annual report under this subsection shall describe—

(1) the degree to which progress has been made toward meeting the annual benchmarks and long-term goals and objectives described in the grant recipient's application; and

(2) demographic data about low-performing schools, including the number of low-income and minority students, served in each program.

**SEC. 10307. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this part \$25,000,000 for fiscal year 2016, and such sums as may be necessary for each of the 5 succeeding fiscal years.

**SA 2167.** Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

**SEC. 5011. IMPROVING EDUCATION FACILITIES.**

Title V (20 U.S.C. 7201 et seq.), as amended by section 5010, is further amended by adding at the end the following:

**“PART J—SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, CAREER, AND TECHNICAL FACILITIES**

**“SEC. 5911. DEFINITIONS.**

“In this part:

“(1) **CAREER AND TECHNICAL EDUCATION.**—The term ‘career and technical education’ has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006,

“(2) **COMMUNITY COLLEGE.**—The term ‘community college’ means—

“(A) a junior or community college, as that term is defined in section 312(f) of the Higher Education Act of 1965; or

“(B) an institution of higher education (as defined in section 101 of such Act) that awards a significant number of degrees and certificates, as determined by the Secretary, that are not—

“(i) baccalaureate degrees (or an equivalent); or

“(ii) master's, professional, or other advanced degrees.

“(3) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means a local educational agency, community college, or other entity determined appropriate by the Secretary.

“(4) **QUALIFIED PROJECT.**—The term ‘qualified project’—

“(A) means the modernization, renovation, or repair of a facility that will be used to improve the quality and availability of science, technology, engineering, mathematics, or career and technical education instruction to public elementary school or secondary school, or community college, students, and that may include—

“(i) improving the energy efficiency of the facility;

“(ii) improving the cost-effectiveness of the facility in delivering quality education;

“(iii) improving student, faculty, and staff health and safety at the facility;

“(iv) improving, installing, or upgrading educational technology infrastructure;

“(v) retrofitting an existing building for career and technical education purposes; and

“(vi) a one-time repair of serviceable equipment at the facility, or replacement of equipment at the facility that is at the end of its serviceable lifespan, that will be used to further educational outcomes; and

“(B) does not include new construction or the payment of routine maintenance costs.

**“SEC. 5912. SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, CAREER, AND TECHNICAL FACILITIES IMPROVEMENT.**

“(a) **PROGRAM AUTHORIZED.**—From amounts appropriated under subsection (g), the Secretary shall carry out a program to improve science, technology, engineering, mathematics, or career and technical education facilities by—

“(1) awarding grants to eligible entities to enable the eligible entities to carry out qualified projects;

“(2) guaranteeing loans made to eligible entities for qualified projects; or

“(3) making payments of interest on bonds, loans, or other financial instruments (other than a refinancing) that are issued to eligible entities for qualified projects.

“(b) **APPLICATION.**—An eligible entity that desires to receive a grant, loan guarantee, or payment of interest under this part shall submit an application to the Secretary at such a time, in such a manner, and containing such information as the Secretary may require. The application shall include—

“(1) a detailed description of the qualified project;

“(2) in the case of a qualified project described in section 5911(4)(A)(vi), a description of the educational outcomes to be furthered by the one-time repair of serviceable equipment or replacement of equipment;

“(3) an indication as to whether the eligible entity prefers to receive a grant, loan guarantee, or payment of interest;

“(4) a description of the need for the qualified project;

“(5) a description of how the eligible entity will ensure that the qualified project will be adequately maintained;

“(6) an identification of any public elementary school or secondary school or community college that will benefit from the qualified project;

“(7) a description of how the qualified project will improve instruction and educational outcomes at the facility, including any opportunities to integrate project activities within the curriculum of such school or community college;

“(8) a description of how the facility supported by the qualified project will be used for providing educational services in science, technology, engineering, mathematics, or career and technical education;

“(9) a description of how the eligible entity will ensure that the modernization, renovation, or repair supported by the qualified project meets Leadership in Energy and Environmental Design (LEED) building rating standards, Energy Star standards, Collaborative for High Performance Schools (CHPS) criteria, Green Building Initiative environmental design and rating standards (Green Globes), the Living Building Challenge certification standards, or equivalent standards adopted by entities with jurisdiction over or related to the eligible entity;

“(10) a description of the fiscal capacity of the eligible entity;

“(11) the percentage of students enrolled in the public elementary school or secondary school or community college to be served by the qualified project who are from low-income families;

“(12) in the case of a qualified project at a facility that is used by students in a secondary school, the secondary school graduation rates; and

“(13) such additional information and assurances as the Secretary may require.

“(c) PRIORITY.—In making awards under this part, the Secretary shall use not less than a total of 25 percent of the funds appropriated under subsection (g) to eligible entities for qualified projects to benefit—

“(1) public elementary schools or secondary schools served by high-need local educational agencies, as described in section 2202(b)(2)(A); or

“(2) community colleges serving a substantial number of rural students, as determined by the Secretary.

“(d) SUPPLEMENT NOT SUPPLANT.—Funds made available under this part shall be used to supplement, and not supplant, other Federal and State funds available to carry out the activities supported under this part.

“(e) TECHNICAL ASSISTANCE AND ADMINISTRATIVE COSTS.—The Secretary may reserve not more than 3 percent of funds appropriated under subsection (g) for the administrative costs of this part and to provide technical assistance to community colleges and local educational agencies concerning best practices in school facility renovation, repair, and modernization.

“(f) REPORTING REQUIREMENTS.—Not later than 1 year after funds are appropriated to carry out this part, and every 2 years thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the effect of the qualified projects supported under this part on improving academic achievement.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.”

**SA 2168.** Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 630, between lines 4 and 5, insert the following:

#### “PART J—SCHOOL FACILITIES

##### “SEC. 5910. GRANTS FOR SCHOOL REPAIR, RENOVATION, AND CONSTRUCTION.

“(a) DEFINITIONS.—In this section:

“(1) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given the term in section 5110.

“(2) CHPS CRITERIA.—The term ‘CHPS Criteria’ means the green building rating criteria developed by the Collaborative for High Performance Schools.

“(3) EARLY LEARNING FACILITY.—The term ‘early learning facility’ means a public facility that—

“(A) serves children who are not yet in kindergarten; and

“(B) is under the jurisdiction of a local educational agency.

“(4) ENERGY STAR.—The term ‘Energy Star’ means the Energy Star program of the Department of Energy and the Environmental Protection Agency.

“(5) GREEN GLOBES.—The term ‘Green Globes’ means the Green Building Initiative environmental design and rating system.

“(6) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ‘high-need local educational agency’ has the meaning given the term in section 2201(b)(2).

“(7) LEED GREEN BUILDING RATING SYSTEM.—The term ‘LEED Green Building Rating System’ means the United States Green Building Council Leadership in Energy and Environmental Design green building rating system.

“(8) LIVING BUILDING CHALLENGE.—The term ‘Living Building Challenge’ means the Living Building Challenge building certification program.

“(9) PUBLIC SCHOOL FACILITY.—The term ‘public school facility’ means a public elementary or secondary school facility, including a public charter school facility or an existing facility planned for adaptive reuse as a public charter school facility.

“(10) RURAL LOCAL EDUCATIONAL AGENCY.—The term ‘rural local educational agency’ means a local educational agency that meets the eligibility requirements under—

“(A) section 6211(b) for participation in the program described in subpart 1 of part B of title VI; or

“(B) section 6221(b)(1) for participation in the program described in subpart 2 of part B of title VI.

“(11) STATE.—The term ‘State’ means each of the several states of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(12) STATE ENTITY.—The term ‘State entity’ has the meaning given the term in section 5103.

“(b) ALLOCATION OF FUNDS.—

“(1) RESERVATIONS.—From the funds appropriated under subsection (i) for a fiscal year, the Secretary shall reserve 1 percent to provide assistance to the outlying areas and for payments to the Secretary of the Interior to provide assistance to schools funded by the Bureau of Indian Education. Funds allocated under this paragraph shall be reserved by the Secretary for distribution among the outlying areas and the Secretary of the Interior on the basis of their relative need for public elementary school and secondary school repair, renovation, and construction, as determined by the Secretary.

“(2) ALLOCATION TO STATE EDUCATIONAL AGENCIES.—From the funds appropriated under subsection (i) for a fiscal year that are not reserved under paragraph (1) for the fiscal year, the Secretary shall allocate to each State educational agency serving a State an amount that bears the same relation to the funds as the amount the State received under part A of title I for the fiscal year preceding the fiscal year for which the deter-

mination is made bears to the amount all States received under such part for such preceding fiscal year, except that no such State educational agency shall receive less than 0.5 percent of the amount allocated under this subsection.

“(c) WITHIN-STATE DISTRIBUTIONS.—

“(1) ADMINISTRATIVE AND OTHER COSTS.—

“(A) STATE EDUCATIONAL AGENCY ADMINISTRATION AND OTHER COSTS.—Except as provided in subparagraph (D), each State educational agency may reserve not more than 1 percent of the State educational agency’s allocation under subsection (b) for the purposes of administering the distribution of grants under this subsection and awarding grants under subparagraph (C)(v).

“(B) REQUIRED USES.—The State educational agency shall use a portion of the funds reserved under subparagraph (A)—

“(i) to provide technical assistance to local educational agencies; and

“(ii) to establish or support a State-level database of public school facility inventory, condition, design, and utilization, which shall include for each school facility—

“(I) the age of the facility;

“(II) the total square footage of the facility that is used for academic or technical classroom instruction; and

“(III) the year of the last major renovation of the facility.

“(C) PERMISSIBLE USES.—The State educational agency may use a portion of the funds reserved under subparagraph (A) for—

“(i) developing a statewide public school educational facility master plan;

“(ii) developing policies, procedures, and standards for high-quality, energy efficient public school facilities;

“(iii) supporting interagency collaboration that will lead to broad community use of public school facilities, and school-based services for students served by high-need local educational agencies or rural local educational agencies;

“(iv) helping to defray the cost of issuing State bonds to finance public elementary school and secondary school repair, renovation, and construction; and

“(v) awarding grants to State-operated or State-supported schools, such as a State school for the deaf or for the blind, to enable such schools to carry out school repair, renovation, and construction activities in accordance with subsection (d).

“(D) STATE ENTITY ADMINISTRATION AND OTHER COSTS.—If the State educational agency transfers funds to a State entity described in paragraph (2)(A), the State educational agency shall transfer to such State entity not less than 75 percent of the amount reserved under subparagraph (A) for the purpose of carrying out the activities described in subparagraph (C).

“(2) DISTRIBUTION OF COMPETITIVE SCHOOL REPAIR, RENOVATION, AND CONSTRUCTION GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

“(A) IN GENERAL.—Of the funds allocated to a State educational agency under subsection (b) that are not reserved under paragraph (1), the State educational agency shall distribute 100 percent of such funds to local educational agencies or, if the State educational agency is not responsible for the financing of public school facilities, the State educational agency shall transfer such funds to the State entity responsible for the financing of public school facilities for distribution by such State entity to local educational agencies in accordance with this paragraph, to be used, consistent with subsection (d), for public elementary school or secondary school repair, renovation, and construction.

“(B) COMPETITIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES.—The State educational agency or State entity shall carry out a program to award grants, on a competitive

basis, to local educational agencies for public elementary school or secondary school repair, renovation, and construction. Of the total amount available for distribution to local educational agencies under this paragraph, the State educational agency or State entity, shall, in carrying out the grant competition—

“(i) award to high-need local educational agencies, in the aggregate, not less than an amount which bears the same relationship to such total amount as the aggregate amount such high-need local educational agencies received under part A of title I for the fiscal year preceding the fiscal year for which the determination is made bears to the aggregate amount received for such preceding fiscal year under such part by all local educational agencies in the State;

“(ii) award to rural local educational agencies in the State, in the aggregate, not less than an amount which bears the same relationship to such total amount as the aggregate amount such rural local educational agencies received under part A of title I for the fiscal year preceding the fiscal year for which the determination is made bears to the aggregate amount received for such preceding fiscal year under such part by all local educational agencies in the State; and

“(iii) award the remaining funds to local educational agencies in the State that did not receive a grant award under clause (i) or (ii), including to high-need local educational agencies and rural local educational agencies that did not receive a grant award under clause (i) or (ii).

“(C) CRITERIA FOR AWARDING GRANTS.—In awarding competitive grants under this paragraph, a State educational agency or State entity shall take into account the following criteria:

“(i) PERCENTAGE OF POOR CHILDREN.—The percentage of children served by the local educational agency who are between 5 to 17 years of age, inclusive, and who are from families with incomes below the poverty line.

“(ii) NEED FOR SCHOOL REPAIR, RENOVATION, AND CONSTRUCTION.—The need of a local educational agency for school repair, renovation, and construction, as demonstrated by the condition of the public school facilities of the local educational agency or the local educational agency’s need for such facilities.

“(iii) GREEN SCHOOLS.—The extent to which a local educational agency will make use, in the repair, renovation, or construction to be undertaken, of green practices that are certified, verified, or consistent with any applicable provisions of—

“(I) the LEED Green Building Rating System;

“(II) Energy Star;

“(III) the CHPS Criteria;

“(IV) the Living Building Challenge;

“(V) Green Globes; or

“(VI) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency.

“(iv) FISCAL CAPACITY.—The fiscal capacity of a local educational agency to meet the needs of the local educational agency for repair, renovation, and construction of public school facilities without assistance under this section, including the ability of the local educational agency to raise funds through the use of local bonding capacity and otherwise.

“(v) LIKELIHOOD OF MAINTAINING THE FACILITY.—The likelihood that a local educational agency will maintain, in good condition, any public school facility whose repair, renovation, or construction is assisted under this section.

“(vi) CHARTER SCHOOL EQUITABLE ACCESS TO FUNDING.—In the case of a local educational agency that proposes to fund a repair, ren-

ovation, or construction project for a public charter school, the extent to which the public charter school lacks access to funding for school repair, renovation, and construction through the financing methods available to other public schools or local educational agencies in the State.

“(D) MATCHING REQUIREMENT.—

“(i) IN GENERAL.—A State educational agency or State entity shall require local educational agencies to match funds awarded under this paragraph.

“(ii) MATCH AMOUNT.—The amount of a match described in clause (i) may be established by using a sliding scale that takes into account the relative poverty of the population served by the local educational agency.

“(d) RULES APPLICABLE TO SCHOOL REPAIR, RENOVATION, AND CONSTRUCTION.—With respect to funds made available under this section that are used for school repair, renovation, and construction, the following rules shall apply:

“(1) PERMISSIBLE USES OF FUNDS.—School repair, renovation, and construction shall be limited to 1 or more of the following:

“(A) Upgrades, repair, construction, or replacement of public elementary school or secondary school building systems or components to improve the quality of education and ensure the health and safety of students and staff, including—

“(i) repairing, replacing, or constructing early learning facilities at public elementary schools (including renovation of existing facilities to serve children under 5 years of age);

“(ii) repairing, replacing, or installing roofs, windows, doors, electrical wiring, plumbing systems, or sewage systems;

“(iii) repairing, replacing, or installing heating, ventilation, or air conditioning systems (including insulation); and

“(iv) bringing such public schools into compliance with fire and safety codes.

“(B) Public school facilities modifications necessary to render public school facilities accessible in order to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

“(C) Improvements to the environmental conditions of public elementary school or secondary school sites, including asbestos abatement or removal, and the reduction or elimination of human exposure to lead-based paint, mold, or mildew.

“(D) Measures designed to reduce or eliminate human exposure to classroom noise and environmental noise pollution.

“(E) Modifications necessary to reduce the consumption of electricity, natural gas, oil, water, coal, or land.

“(F) Upgrades or installations of educational technology infrastructure to ensure that students have access to up-to-date educational technology.

“(G) Measures that will broaden or improve the use of public elementary school or secondary school buildings and grounds by the community in order to improve educational outcomes.

“(2) IMPERMISSIBLE USES OF FUNDS.—No funds received under this section may be used for—

“(A) payment of maintenance costs in connection with any projects constructed in whole or part with Federal funds provided under this section;

“(B) purchase or upgrade of vehicles;

“(C) improvement or construction of stand-alone facilities whose purpose is not the education of children, including central office administration or operations or logistical support facilities;

“(D) purchase of information technology hardware, including computers, monitors, or printers;

“(E) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; or

“(F) purchase of carbon offsets.

“(3) SUPPLEMENT, NOT SUPPLANT.—A local educational agency or State-operated or State-supported school shall use Federal funds subject to this subsection only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for school repair, renovation, and construction.

“(e) QUALIFIED BIDDERS; COMPETITION.—Each local educational agency that receives funds under subsection (c)(2) shall ensure that, if the local educational agency carries out repair, renovation, or construction through a contract, any such contract process ensures the maximum number of qualified bidders, including small, minority, and women-owned businesses, through full and open competition.

“(f) PUBLIC COMMENT.—Each local educational agency receiving funds under subsection (c)(2)—

“(1) shall provide an opportunity for public comment, and ensure that parents, educators, and all other interested members of the community in which the school to be assisted is located have the opportunity to consult, on the use of the funds received under such subsection;

“(2) shall provide the public with adequate and efficient notice of the opportunity described in paragraph (1) in a widely read and distributed medium; and

“(3) shall provide the opportunity described in paragraph (1) in accordance with any applicable State and local law specifying how the comments may be received and how the comments may be reviewed by any member of the public.

“(g) REPORTING.—

“(1) LOCAL REPORTING.—Each local educational agency receiving funds under subsection (c)(2) shall submit a report to the State educational agency, at such time as the State educational agency may require, describing the use of such funds for school repair, renovation, and construction.

“(2) STATE REPORTING.—Each State educational agency receiving funds under subsection (b) shall submit to the Secretary, at such time as the Secretary may require, a report on the use of funds received under this section and made available to local educational agencies (and, if applicable, to State-operated or State-sponsored schools) for school repair, renovation, and construction.

“(h) REALLOCATION.—If a State educational agency does not apply for an allocation of funds under subsection (b) for a fiscal year, or does not use the State educational agency’s entire allocation for such fiscal year, then the Secretary may reallocate the amount of the State educational agency’s allocation (or the remainder thereof, as the case may be) for such fiscal year to the remaining State educational agencies in accordance with subsection (b).

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$1,000,000,000 for fiscal year 2016, and such sums as may be necessary for each of fiscal years 2017 through 2021.

**“SEC. 5911. NATIONAL CENTER FOR EDUCATION STATISTICS STUDY.**

“(a) IN GENERAL.—The Commissioner of the National Center for Education Statistics shall conduct a study of the condition of public school facilities in the United States.

“(b) ESTIMATES AND MEASURES.—In conducting the study, the Commissioner of the

National Center for Education Statistics shall—

“(1) estimate the costs needed to repair and renovate all public elementary schools and secondary schools in the United States to good overall condition; and

“(2) measure recent expenditures of Federal, State, local, and private funds for public elementary school and secondary school repair, renovation, and construction costs in the United States.

“(c) ANALYSIS.—In conducting the study, the Commissioner of the National Center for Education Statistics shall examine trends in expenditures of Federal, State, local, and private funds since fiscal year 2001 for repair, renovation, and construction activities for public elementary schools and secondary schools in the United States, including examining the differences between the types of schools assisted, and the types of repair, renovation, and construction activities conducted, with those expenditures.

“(d) REPORT.—The Commissioner of the National Center for Education Statistics shall prepare and submit to Congress a report containing the results of the study.”.

**SA 2169.** Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 76, line 13, insert “and for purposes of subclause (II), homeless status and status as a child in foster care,” after “(b)(3)(A).”.

**SA 2170.** Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 623, strike line 8 and insert the following:

“(14) a description of how the State will support, through the use of professional development, early childhood education programs that maintain disciplinary policies that do not include expulsion or suspension of participating children, except as a last resort in extraordinary circumstances where—

“(A) there is a determination of a serious safety threat; and

“(B) policies are in place to provide appropriate alternative early educational services to expelled or suspended children while they are out of school; and”.

**SA 2171.** Ms. HEITKAMP submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 492, after line 22, insert the following:

**SEC. 4006. GRANTS FOR THE INTEGRATION OF SCHOOLS AND MENTAL HEALTH SYSTEMS.**

Title IV (20 U.S.C. 7101 et seq.), as amended by sections 4001, 4004, and 4005, is further amended by adding at the end the following:

**“PART E—GRANTS TO IMPROVE THE MENTAL HEALTH OF CHILDREN**

**“SEC. 4501. GRANTS FOR THE INTEGRATION OF SCHOOLS AND MENTAL HEALTH SYSTEMS.**

“(a) AUTHORIZATION.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, State educational agencies, local educational agencies, Indian tribes or their tribal education agency, a school operated by the Bureau of Indian Education, or a Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) for the purpose of increasing student access to quality mental health care and support by developing innovative programs to link local school systems with local mental health systems, such as those under the Indian Health Service.

“(b) DURATION.—With respect to a grant, contract, or cooperative agreement awarded or entered into under this section, the period during which payments under such grant, contract or agreement are made to the recipient may not exceed 5 years.

“(c) USE OF FUNDS.—An entity that receives a grant, contract, or cooperative agreement under this section shall use amounts made available through such grant, contract, or cooperative agreement for the following:

“(1) To enhance, improve, or develop collaborative efforts between school-based service systems and mental health service systems to provide, enhance, or improve prevention, diagnosis, and treatment services to students.

“(2) To enhance the availability of crisis intervention services and conflict resolution practices, such as those focused on decreasing rates of bullying, teen dating violence, suicide, trauma, and human trafficking (defined as an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)), as well as provide appropriate referrals for students potentially in need of mental health services, and ongoing mental health services.

“(3) To provide training and professional development for the school personnel and mental health professionals who will participate in the program carried out under this section.

“(4) To provide technical assistance and consultation to school systems and mental health agencies as well as to families participating in the program carried out under this section.

“(5) To provide linguistically appropriate and culturally competent services.

“(6) To evaluate the effectiveness of the program carried out under this section in increasing student access to quality mental health services, and make recommendations to the Secretary about the sustainability of the program.

“(7) To engage and utilize expertise provided by institutions of higher education, such as a Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965.

“(d) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity described in subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, such as the following:

“(1) A description of the program to be funded under the grant, contract, or cooperative agreement.

“(2) A description of how such program will increase access to quality mental health services for students.

“(3) A description of how the applicant will establish a crisis intervention program or

conflict resolution practices, or both, that provide immediate mental health services to the school community as necessary.

“(4) An assurance that—

“(A) persons providing services under the grant, contract, or cooperative agreement are adequately trained to provide such services;

“(B) the services will be provided in accordance with subsection (c);

“(C) teachers, administrators, parents or guardians, representatives of local Indian tribes, and other school personnel are aware of the program; and

“(D) parents or guardians of students participating in services under this section will be engaged and involved in the design and implementation of the services.

“(5) An assurance that the applicant will support and integrate existing school-based services with the program in order to provide appropriate mental health services for students.

“(6) An assurance that the applicant will establish a program that will support students and the school in improving the school climate in order to support an environment conducive to learning.

“(e) INTERAGENCY AGREEMENTS.—

“(1) DESIGNATION OF LEAD AGENCY.—A recipient of a grant, contract, or cooperative agreement under this section shall designate a lead agency to direct the establishment of an interagency agreement among local educational agencies, juvenile justice authorities, mental health agencies, and other relevant entities in the State, in collaboration with local entities, such as Indian tribes.

“(2) CONTENTS.—The interagency agreement shall ensure the provision of the services described in subsection (c), specifying with respect to each agency, authority, or entity—

“(A) the financial responsibility for the services;

“(B) the conditions and terms of responsibility for the services, including quality, accountability, and coordination of the services; and

“(C) the conditions and terms of reimbursement among the agencies, authorities, or entities that are parties to the interagency agreement, including procedures for dispute resolution.

“(f) EVALUATION.—The Secretary shall evaluate each program carried out under this section and shall disseminate the findings with respect to each such evaluation to appropriate public, tribal, and private entities.

“(g) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that grants, contracts, and cooperative agreements awarded or entered into under this section are equitably distributed among the geographical regions of the United States and among tribal, urban, suburban, and rural populations.

“(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to prohibit an entity involved with a program carried out under this section from reporting a crime that is committed by a student to appropriate authorities; or

“(2) to prevent State and tribal law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal, tribal, and State law to crimes committed by a student.

“(i) SUPPLEMENT, NOT SUPPLANT.—Any services provided through programs carried out under this section shall supplement, and not supplant, existing mental health services, including any services required to be provided under the Individuals with Disabilities Education Act.

“(j) CONSULTATION WITH INDIAN TRIBES.—In carrying out subsection (a), the Secretary shall, in a timely manner, meaningfully consult, engage, and cooperate with Indian



tribes and their representatives to ensure notice of eligibility.

“(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2016 through 2021.”.

**SA 2172.** Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 101, between lines 16 and 17, insert the following:

“(1) how the local education agency will implement strategies to facilitate effective transitions for students from middle school to high school and from high school to postsecondary education, including a description of the specific transition activities the local education agency will take, such as providing students with access to dual or concurrent enrollment opportunities that enable students during high school to earn postsecondary credit or an industry-recognized credential that meets any quality standards required by the State or utilizing comprehensive career counseling to identify student interests and skills;

“(12) if determined appropriate by the local education agency, how such agency will support programs that promote integrated academic and career and technical education content through coordinated instructional strategies, which may incorporate experiential learning opportunities;”.

On page 714, line 21, insert “career and technical education,” after “music.”.

On page 595, after line 21, add the following:

**“PART J—CAREER AND TECHNICAL EDUCATION EXPLORATION PROGRAMS**

**“SEC. 5910. SHORT TITLE.**

“This part may be cited as the ‘Building Understanding, Investment, Learning, and Direction Career and Technical Education Act of 2015’ or the ‘BUILD Career and Technical Education Act of 2015’.

**“SEC. 5911. FINDINGS.**

“Congress finds the following:

“(1) The average high school graduation rate for students concentrating in career and technical education programs is 93 percent.

“(2) Students at schools with highly integrated rigorous academic and career and technical education programs have significantly higher achievement in reading, mathematics, and science than do students at schools with less integrated programs.

“(3) Four out of 5 graduates of secondary-level career and technical education programs who pursued postsecondary education after secondary school had earned a credential or were still enrolled in postsecondary education 2 years later.

“(4) Eighty percent of students taking a college preparatory academic curriculum with rigorous career and technical education programs met college and career readiness goals, compared to only 63 percent of students taking the same academic core who did not experience rigorous career and technical education programs.

**“SEC. 5912. PILOT GRANT PROGRAM TO SUPPORT CAREER AND TECHNICAL EDUCATION EXPLORATION PROGRAM IN MIDDLE SCHOOLS AND HIGH SCHOOLS.**

“(a) PURPOSES.—The purposes of this part are the following:

“(1) To provide students with opportunities to participate in career and technical edu-

cation exploration programs and to provide information on available career and technical education programs and their impact on college and career readiness.

“(2) To expand professional growth of, and career opportunities for, students through career and technical education exploration programs.

“(3) To enhance collaboration between education providers and employers.

“(4) To develop or enhance career and technical education exploration programs with ties to a career and technical education program of study.

“(5) To evaluate students’ participation in coordinated middle school and high school career and technical education exploration programs.

“(b) DEFINITION OF CAREER AND TECHNICAL EDUCATION EXPLORATION PROGRAM.—In this part, the term ‘career and technical education exploration program’ means a course or series of courses that provides experiential learning opportunities in 1 or more programs of study (including after school and during the summer), as appropriate, and the opportunity to connect experiential learning to education and career pathways that is offered to middle school students or high school students, or both.

“(c) AUTHORIZATION OF GRANT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall award grants to local educational agencies to support career and technical education exploration programs.

“(2) GRANT DURATION.—Grants awarded under this part shall be 2 years in duration.

“(3) DISTRICT CAPACITY TAKEN INTO ACCOUNT.—In awarding grants under paragraph (1), the Secretary shall take into account the resources and capacity of each local educational agency that applies for a grant.

“(d) APPLICATIONS.—A local educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(e) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to grant proposals that—

“(1) demonstrate—

“(A) that a partnership among the local educational agency and business, industry, labor, or institutions of higher education, where appropriate to the grant project, exists and will participate in carrying out grant activities under this part;

“(B) innovative and sustainable design;

“(C) a curriculum aligned with State diploma requirements;

“(D) a focus on preparing students, including special populations and nontraditional students, with opportunities to explore careers and skills required for jobs in their State and that provide high wages and are in demand;

“(E) a method of evaluating success; and

“(F) that the programs to be assisted with grant funds are not receiving assistance under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.); and

“(2) include an assurance that—

“(A) the local educational agency will fund the operational costs of the activities described in this part after the grant period expires; and

“(B) if the local educational agency charges a fee to participate in the after school and summer components of the career and technical education exploration program to be carried out by the agency, the agency will implement such fee on a sliding scale according to income and established in a manner that makes participation financially feasible for all students.

“(f) USES OF FUNDS.—

“(1) IN GENERAL.—A local educational agency that receives a grant under this part shall use the grant funds to carry out any of the following:

“(A) Leasing, purchasing, upgrading, or adapting equipment related to the content of career and technical education exploration program activities.

“(B) Program director, instructor, or other staff expenses to coordinate or implement program activities.

“(C) Consultation services with a direct alignment to the program goals.

“(D) Support of professional development programs aligned to the program goals.

“(E) Minor remodeling, if any, necessary to accommodate new equipment obtained pursuant to subparagraph (A).

“(F) Evaluating the access to career and technical education exploration programs and the impact such programs have on the transition to career and technical programs of study (as described in section 122(c)(1)(A) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2342(c)(1)(A))), or other postsecondary programs of study, high school completion, and the number of students who earn an industry-recognized credential, associate’s degree, bachelor’s degree, or other career and technical education related postsecondary credit in addition to a high school diploma.

“(2) USE AND OWNERSHIP OF MATERIALS OR EQUIPMENT.—Any materials or equipment purchased with grant funds awarded under this part shall be the property of the local educational agency.

“(3) ADMINISTRATIVE COSTS.—A local educational agency that receives a grant under this part may use not more than 5 percent of the grant funds for administrative costs associated with carrying out activities under this part.

“(g) EVALUATIONS.—

“(1) IN GENERAL.—A local educational agency that receives a grant under this part shall develop an evaluation plan of grant activities that shall include an evaluation of specific outcomes, described in paragraph (2), and progress toward meeting such outcomes within the timeline of the grant that shall be measurable through collection of appropriate data or documented through other records. Such evaluation shall reflect the resources and capacity of the local educational agency.

“(2) OUTCOMES.—The specific outcomes shall clearly address the following areas:

“(A) The extent of student participation in career and technical education exploration programs.

“(B) Improved rigor in technical or academic content aligned to diploma requirements and industry recognized technical standards.

“(C) Improved alignment between career and technical education and other courses, including core academic subjects.

“(D) The impact such programs have on the transition to career and technical programs of study (as described in section 122(c)(1)(A) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2342(c)(1)(A))) and other postsecondary programs of study.

“(3) SUBMISSION TO THE DEPARTMENT.—A local educational agency that receives a grant under this part shall submit evaluations conducted under this subsection to the Secretary.

“(h) SUPPLEMENT NOT SUPPLANT.—Funds received under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this part such sums as may be necessary.”.

**SA 2173.** Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 306, after line 23, add the following:

“(V) conducting, and publicly reporting the results of, an annual assessment of educator support and working conditions that—

“(i) evaluates supports for teachers, leaders, and other school personnel, such as—

“(I) teacher and principal perceptions of availability of high-quality professional development and instructional materials;

“(II) timely availability of data on student academic achievement and growth;

“(III) the presence of high-quality instructional leadership; and

“(IV) opportunities for professional growth, such as career ladders and mentoring and induction programs;

“(ii) evaluates working conditions for teachers, leaders and other school personnel, such as—

“(I) school climate;

“(II) school safety;

“(III) class size;

“(IV) availability and use of common planning time and opportunities to collaborate; and

“(V) community engagement;

“(iii) is developed with teachers, leaders, other school personnel, parents, students, and the community; and

“(iv) includes the development and implementation, with the groups described in clause (iii), of a plan to address the results of the assessment described in this subparagraph, which shall be publicly reported; and

**SA 2174.** Ms. HEITKAMP (for herself, Mr. THUNE, Ms. STABENOW, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

**SEC. 1020 . EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994 AND SMITH-LEVER ACT.**

(a) EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.—Section 533 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended in subsection (a)(2)(A)(ii) by striking “(as added by section 534(b)(1) of this part)” and inserting “(7 U.S.C. 343(b)(3)) and for programs for children, youth, and families at risk and for Federally recognized Tribes implemented under section 3(d) of such Act (7 U.S.C. 343(d))”.

(b) SMITH-LEVER ACT.—Section 3(d) of the Act of May 8, 1914 (commonly known as the “Smith-Lever Act”; 7 U.S.C. 343(d)), is amended in the second sentence by inserting “and in the case of programs for children, youth, and families at risk and for Federally recognized Tribes, the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382)),” before “may compete for”.

**SA 2175.** Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of part B of title X, add the following:

**SEC. 10204. CLIMATE SCIENCE INSTRUCTION.**

(a) FINDINGS.—Congress finds that—

(1) carbon pollution is accumulating in the atmosphere, causing global temperatures to rise at a rate that poses a significant threat to the economy and security of the United States, to public health and welfare, and to the global environment;

(2) climate change is already impacting the United States with sea level rise, ocean acidification, and more frequent or intense extreme weather events, such as heat waves, heavy rainfalls, droughts, floods, and wildfires;

(3) the scientific evidence for human-induced climate change is overwhelming and undeniable, as demonstrated by statements from the National Academy of Sciences, the National Climate Assessment, and numerous other science professional organizations in the United States;

(4) the United States has a responsibility to children and future generations of the United States to reduce the harmful effects of climate change;

(5) providing clear and scientifically accurate information about climate change, in a variety of forms, can increase climate literacy and encourage individuals and communities to take action;

(6) the actions of a single nation cannot solve the climate crisis, so solutions that address both mitigation and adaptation must involve developed and developing nations around the world;

(7) education about climate change is important to ensure that the future generation of leaders is well-informed about the issues facing our planet in order to make decisions based on science and fact;

(8) the facts and reality of climate change are under attack by those who disagree with the overwhelming consensus of scientific agreement regarding the reality of climate change and the human role in causing climate to change; and

(9) challenges to accurate presentation of climate science in classrooms have been proposed in legislatures and school boards across the Nation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that instruction in climate science is important for all students and should not be prohibited by any unit of State or local government.

**SA 2176.** Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

**SEC. 5011. CLIMATE CHANGE EDUCATION.**

(a) SHORT TITLE.—This section may be cited as the “Climate Change Education Act”.

(b) FINDINGS.—Congress finds that—

(1) carbon pollution is accumulating in the atmosphere, causing global temperatures to rise at a rate that poses a significant threat

to the economy and security of the United States, to public health and welfare, and to the global environment;

(2) climate change is already impacting the United States with sea level rise, ocean acidification, and more frequent or intense extreme weather events such as heat waves, heavy rainfalls, droughts, floods, and wildfires;

(3) the scientific evidence for human-induced climate change is overwhelming and undeniable as demonstrated by statements from the National Academy of Sciences, the National Climate Assessment, and numerous other science professional organizations in the United States;

(4) the United States has a responsibility to children and future generations of the United States to address the harmful effects of climate change;

(5) providing clear information about climate change, in a variety of forms, can encourage individuals and communities to take action;

(6) the actions of a single nation cannot solve the climate crisis, so solutions that address both mitigation and adaptation must involve developed and developing nations around the world;

(7) investing in the development of innovative clean energy and energy efficiency technologies will—

(A) enhance the global leadership and competitiveness of the United States; and

(B) create and sustain short and long term job growth;

(8) implementation of measures that promote energy efficiency, conservation, and renewable energy will greatly reduce human impact on the environment; and

(9) education about climate change is important to ensure the future generation of leaders is well-informed about the challenges facing our planet in order to make decisions based on science and fact.

(c) AMENDMENT TO ESEA.—Title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.), as amended by section 5010, is further amended by adding at the end the following:

**“PART J—CLIMATE CHANGE EDUCATION  
“SEC. 5911. CLIMATE CHANGE EDUCATION PROGRAM.**

“(a) PURPOSE.—The purpose of this section is to—

“(1) broaden the understanding of human induced climate change, possible long and short-term consequences, and potential solutions;

“(2) provide learning opportunities in climate science education for all students through grade 12, including those of diverse cultural and linguistic backgrounds;

“(3) emphasize actionable information to help students understand how to utilize new technologies and programs related to energy conservation, clean energy, and carbon pollution reduction; and

“(4) inform the public of impacts to human health and safety as a result of climate change.

“(b) GRANTS AUTHORIZED.—The Secretary, in consultation with the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, and the Department of Energy, shall establish a competitive grant program to provide grants to States to—

“(1) develop or improve climate science curriculum and supplementary educational materials for grades kindergarten through grade 12;

“(2) initiate, develop, expand, or implement statewide plans and programs for climate change education, including relevant teacher training and professional development and multidisciplinary studies to ensure

that students graduate from high school climate literate; or

“(3) create State green school building standards or policies.

“(c) APPLICATION.—A State desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall transmit to Congress a report that evaluates the scientific merits, educational effectiveness, and broader impacts of activities under this section.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.”.

**SA 2177.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title X, insert the following:

**PART C—EMPLOYING YOUNG AMERICANS**

**Subpart 1—Youth Jobs**

**SEC. 10301. SHORT TITLE.**

This subpart may be cited as the “Employ Young Americans Now Act”.

**SEC. 10302. ESTABLISHMENT OF EMPLOY YOUNG AMERICANS FUND.**

(a) ESTABLISHMENT.—There is established in the Treasury of the United States an account that shall be known as the Employ Young Americans Fund (referred to in this subpart as the “Fund”).

(b) DEPOSITS INTO THE FUND.—Out of any amounts in the Treasury not otherwise appropriated, there is appropriated \$5,500,000,000 for fiscal year 2016, which shall be paid to the Fund, to be used by the Secretary of Labor to carry out this subpart.

(c) AVAILABILITY OF FUNDS.—Of the amounts available to the Fund under subsection (b), the Secretary of Labor shall—

(1) allot \$4,000,000,000 in accordance with section 10303 to provide summer and year-round employment opportunities to low-income youth; and

(2) award \$1,500,000,000 in allotments and competitive grants in accordance with section 10304 to local entities to carry out work-based training and other work-related and educational strategies and activities of demonstrated effectiveness to unemployed, low-income young adults and low-income youth to provide the skills and assistance needed to obtain employment.

(d) PERIOD OF AVAILABILITY.—The amounts appropriated under this subpart shall be available for obligation by the Secretary of Labor, and shall be available for expenditure by grantees (including subgrantees), until expended.

**SEC. 10303. SUMMER EMPLOYMENT AND YEAR-ROUND EMPLOYMENT OPPORTUNITIES FOR LOW-INCOME YOUTH.**

(a) IN GENERAL.—From the funds available under section 10302(c)(1), the Secretary of Labor shall make an allotment under subsection (c) to each State that has a modification to a State plan (referred to in this section as a “State plan modification”) (or other State request for funds specified in guidance under subsection (b)) approved under subsection (d), and recipient under section 166(c) of the Workforce Innovation and

Opportunity Act (29 U.S.C. 3221(c)) (referred to in this section as a “Native American grantee”), that meets the requirements of this section, for the purpose of providing summer employment and year-round employment opportunities to low-income youth.

(b) GUIDANCE AND APPLICATION OF REQUIREMENTS.—

(1) GUIDANCE.—Not later than 20 days after the date of enactment of this Act, the Secretary of Labor shall issue guidance regarding the implementation of this section.

(2) PROCEDURES.—Such guidance shall, consistent with this section, include procedures for—

(A) the submission and approval of State plan modifications, for such other forms of requests for funds by the State as may be identified in such guidance, for modifications to local plans (referred to individually in this section as a “local plan modification”), or for such other forms of requests for funds by local areas as may be identified in such guidance, that promote the expeditious and effective implementation of the activities authorized under this section; and

(B) the allotment and allocation of funds, including reallocation and reallocation of such funds, that promote such implementation.

(3) REQUIREMENTS.—Except as otherwise provided in the guidance described in paragraph (1) and in this section and other provisions of this subpart, the funds provided for activities under this section shall be administered in accordance with the provisions of subtitles A, B, and E of title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111 et seq., 3151 et seq., 3241 et seq.) relating to youth activities.

(c) STATE ALLOTMENTS.—

(1) IN GENERAL.—Using the funds described in subsection (a), the Secretary of Labor shall allot to each State the total of the amounts assigned to the State under subparagraphs (A) and (B) of paragraph (2).

(2) ASSIGNMENTS TO STATES.—

(A) MINIMUM AMOUNTS.—Using funds described in subsection (a), the Secretary of Labor shall assign to each State an amount equal to ½ of 1 percent of such funds.

(B) FORMULA AMOUNTS.—The Secretary of Labor shall assign the remainder of the funds described in subsection (a) among the States by assigning—

(i) 33⅓ percent on the basis of the relative number of individuals in the civilian labor force who are not younger than 16 but younger than 25 in each State, compared to the total number of individuals in the civilian labor force who are not younger than 16 but younger than 25 in all States;

(ii) 33⅓ percent on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States; and

(iii) 33⅓ percent on the basis of the relative number of disadvantaged young adults and youth in each State, compared to the total number of disadvantaged young adults and youth in all States.

(3) REALLOTMENT.—If the Governor of a State does not submit a State plan modification or other State request for funds specified in guidance under subsection (b) by the date specified in subsection (d)(2)(A), or a State does not receive approval of such State plan modification or request, the amount the State would have been eligible to receive pursuant to paragraph (2) shall be transferred within the Fund and added to the amounts available for competitive grants under sections 2(c)(2) and 4(b)(2).

(4) DEFINITIONS.—For purposes of paragraph (2), the term “disadvantaged young adult or youth” means an individual who is not younger than 16 but is younger than 25

who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of—

(A) the poverty line; or  
(B) 70 percent of the lower living standard income level.

(d) STATE PLAN MODIFICATION.—

(1) IN GENERAL.—For a State to be eligible to receive an allotment of funds under subsection (c), the Governor of the State shall submit to the Secretary of Labor a State plan modification, or other State request for funds specified in guidance under subsection (b), in such form and containing such information as the Secretary may require. At a minimum, such State plan modification or request shall include—

(A) a description of the strategies and activities to be carried out to provide summer employment opportunities and year-round employment opportunities, including linkages to training and educational activities, consistent with subsection (f);

(B) a description of the requirements the State will apply relating to the eligibility of low-income youth, consistent with section 10302(4), for summer employment opportunities and year-round employment opportunities, which requirements may include criteria to target assistance to particular categories of such low-income youth, such as youth with disabilities, consistent with subsection (f);

(C) a description of the performance outcomes to be achieved by the State through the activities carried out under this section and the processes the State will use to track performance, consistent with guidance provided by the Secretary of Labor regarding such outcomes and processes and with section 10305(b);

(D) a description of the timelines for implementation of the strategies and activities described in subparagraph (A), and the number of low-income youth expected to be placed in summer employment opportunities, and year-round employment opportunities, respectively, by quarter;

(E) assurances that the State will report such information, relating to fiscal, performance, and other matters, as the Secretary may require and as the Secretary determines is necessary to effectively monitor the activities carried out under this section;

(F) assurances that the State will ensure compliance with the requirements, restrictions, labor standards, and other provisions described in section 10305(a); and

(G) if a local board and chief elected official in the State will provide employment opportunities with the link to training and educational activities described in subsection (f)(2)(B), a description of how the training and educational activities will lead to the industry-recognized credential involved.

(2) SUBMISSION AND APPROVAL OF STATE PLAN MODIFICATION OR REQUEST.—

(A) SUBMISSION.—

(i) IN GENERAL.—The Governor shall submit the State plan modification or other State request for funds specified in guidance under subsection (b) to the Secretary of Labor not later than 30 days after the issuance of such guidance.

(ii) PROCESS.—The Secretary shall—

(I) make copies of the State plan modification or request available to the public on the Web site of the Department of Labor and through other electronic means, on the date on which the Governor submits the State plan modification or request under this section;

(II) allow members of the public, including representatives of business, representatives of labor organizations, and representatives of educational institutions, to submit to the

Secretary comments on the State plan modification or request, during a comment period beginning on the submission date and ending 60 days after the submission date; and

(III) include with the notification of approval or disapproval of the State plan modification or request, submitted to the Governor under subparagraph (B), any such comments that represent disagreement with the plan modification or request.

(B) **APPROVAL.**—The Secretary of Labor shall approve the State plan modification or request submitted under subparagraph (A) not later than 90 days after the submission date, unless the Secretary determines that the plan or request is inconsistent with the requirements of this section. If the Secretary has not made a determination within that 90-day period, the plan or request shall be considered to be approved. If the plan or request is disapproved, the Secretary may provide a reasonable period of time in which the plan or request may be amended and resubmitted for approval. If the plan or request is approved, the Secretary shall allot funds to the State under subsection (c) within 90 days after such approval.

(3) **MODIFICATIONS TO STATE PLAN OR REQUEST.**—The Governor may submit further modifications to a State plan modification or other State request for funds specified under subsection (b), consistent with the requirements of this section.

(e) **WITHIN-STATE ALLOCATION AND ADMINISTRATION.**—

(1) **IN GENERAL.**—Of the funds allotted to the State under subsection (c), the Governor—

(A) may reserve not more than 5 percent of the funds for administration and technical assistance; and

(B) shall allocate the remainder of the funds among local areas within the State in accordance with clauses (i), (ii), and (iii) of subsection (c)(2)(B), except that for purposes of such allocation references to a State in subsection (c)(2)(B) shall be deemed to be references to a local area and references to all States shall be deemed to be references to all local areas in the State involved.

(2) **LOCAL PLAN.**—

(A) **SUBMISSION.**—In order to receive an allocation under paragraph (1)(B), the local board, in partnership with the chief elected official for the local area involved, shall submit to the Governor a local plan modification, or such other request for funds by local areas as may be specified in guidance under subsection (b), not later than 30 days after the submission by the State of the State plan modification or other State request for funds specified in guidance under subsection (b), describing the strategies and activities to be carried out under this section.

(B) **APPROVAL.**—The Governor shall approve the local plan modification or other local request for funds submitted under subparagraph (A) not later than 30 days after the submission date, unless the Governor determines that the plan or request is inconsistent with requirements of this section. If the Governor has not made a determination within that 30-day period, the plan shall be considered to be approved. If the plan or request is disapproved, the Governor may provide a reasonable period of time in which the plan or request may be amended and resubmitted for approval. If the plan or request is approved, the Governor shall allocate funds to the local area within 30 days after such approval.

(3) **REALLOCATION.**—If a local board and chief elected official do not submit a local plan modification (or other local request for funds specified in guidance under subsection (b)) by the date specified in paragraph (2), or the Governor disapproves a local plan modification (or other local request), the amount

the local area would have been eligible to receive pursuant to the formula under paragraph (1)(B) shall be allocated to local areas that receive approval of their local plan modifications or local requests for funds under paragraph (2). Each such local area shall receive a share of the total amount available for reallocation under this paragraph, in accordance with the area's share of the total amount allocated under paragraph (1)(B) to such local areas.

(f) **USE OF FUNDS.**—

(1) **IN GENERAL.**—The funds made available under this section shall be used—

(A) to provide summer employment opportunities for low-income youth, with direct linkages to academic and occupational learning, and may be used to provide supportive services, such as transportation or child care, that is necessary to enable the participation of such youth in the opportunities; and

(B) to provide year-round employment opportunities, which may be combined with other activities authorized under section 129 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164), to low-income youth.

(2) **PROGRAM PRIORITIES.**—In administering the funds under this section, the local board and chief elected official shall give priority to—

(A) identifying employment opportunities that are—

(i) in emerging or in-demand occupations in the local area; or

(ii) in the public or nonprofit sector and meet community needs; and

(B) linking participants in year-round employment opportunities to training and educational activities that will provide such participants an industry-recognized certificate or credential (referred to in this subpart as an “industry-recognized credential”).

(3) **ADMINISTRATION.**—Not more than 5 percent of the funds allocated to a local area under this section may be used for the costs of administration of this section.

(4) **PERFORMANCE ACCOUNTABILITY.**—For activities funded under this section, in lieu of meeting the requirements described in (before July 1, 2016) section 136 of the Workforce Investment Act of 1998 (29 U.S.C. 2871) and (after June 30, 2016) section 116 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141), States and local areas shall provide such reports as the Secretary of Labor may require regarding the performance outcomes described in section 10305(b)(5).

**SEC. 10304. WORK-BASED EMPLOYMENT STRATEGIES AND ACTIVITIES OF DEMONSTRATED EFFECTIVENESS.**

(a) **IN GENERAL.**—From the funds available under section 10302(c)(2), the Secretary of Labor shall make allotments to States, and award grants to eligible entities, under subsection (b) to carry out work-based strategies and activities of demonstrated effectiveness.

(b) **ALLOTMENTS AND GRANTS.**—

(1) **ALLOTMENTS TO STATES FOR GRANTS.**—

(A) **ALLOTMENTS.**—Using funds described in subsection (a), the Secretary of Labor shall allot to each State an amount equal to ½ of 1 percent of such funds.

(B) **GRANTS TO ELIGIBLE ENTITIES.**—The State shall use the funds to award grants, on a competitive basis, to eligible entities in the State.

(2) **DIRECT GRANTS TO ELIGIBLE ENTITIES.**—Using the funds described in subsection (a) that are not allotted under paragraph (1), the Secretary of Labor shall award grants on a competitive basis to eligible entities.

(c) **ELIGIBLE ENTITY.**—To be eligible to receive a grant under this section, an entity—

(1) shall include—

(A) a partnership involving a chief elected official and the local board for the local area involved (which may include a partnership with such elected officials and boards and State elected officials and State boards, in the region and in the State); or

(B) an entity eligible to apply for a grant, contract, or agreement under section 166 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3221); and

(2) may include, in combination with a partnership or entity described in paragraph (1)—

(A) employers or employer associations;

(B) adult education providers or postsecondary educational institutions, including community colleges;

(C) community-based organizations;

(D) joint labor-management committees;

(E) work-related intermediaries;

(F) labor organizations that sponsor training or employment upgrade programs; and

(G) other appropriate organizations.

(d) **APPLICATION.**—To be eligible to receive a grant under this section, an entity shall submit to the Secretary of Labor (or to the State, if applying for a grant under subsection (b)(1)(B)) an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the application shall—

(1) describe the strategies and activities of demonstrated effectiveness that the eligible entity will carry out to provide unemployed, low-income young adults and low-income youth with skills that will lead to employment upon completion of participation in such activities;

(2) describe the requirements that will apply relating to the eligibility of unemployed, low-income young adults and low-income youth, consistent with section 10302, for activities carried out under this section, which requirements may include criteria to target assistance to particular categories of such adults and youth, such as individuals with disabilities or individuals who have exhausted all rights to unemployment compensation;

(3) describe how the strategies and activities will address the needs of the target populations identified in paragraph (2) and the needs of employers in the local area;

(4) describe the expected outcomes to be achieved by implementing the strategies and activities;

(5) provide evidence that the funds provided through the grant will be expended expeditiously and efficiently to implement the strategies and activities;

(6) describe how the strategies and activities will be coordinated with other Federal, State and local programs providing employment, education and supportive activities;

(7) provide evidence of employer commitment to participate in the activities funded under this section, including identification of anticipated occupational and skill needs;

(8) provide assurances that the eligible entity will report such information relating to fiscal, performance, and other matters, as the Secretary of Labor may require and as the Secretary determines is necessary to effectively monitor the activities carried out under this section;

(9) provide assurances that the eligible entity will ensure compliance with the requirements, restrictions, labor standards, and other provisions described in section 10305(a); and

(10) if the entity will provide activities described in subsection (f)(4), a description of how the activities will lead to the industry-recognized credentials involved.

(e) **PRIORITY IN AWARDS.**—In awarding grants under this section, the Secretary of Labor (or a State, under subsection (b)(1)(B)) shall give priority to applications submitted

by eligible entities from areas of high poverty and high unemployment, as defined by the Secretary, such as Public Use Microdata Areas designated by the Bureau of the Census.

(f) **USE OF FUNDS.**—An entity that receives a grant under this section shall use the funds made available through the grant to support work-based strategies and activities of demonstrated effectiveness that are designed to provide unemployed, low-income young adults and low-income youth with skills that will lead to employment as part of or upon completion of participation in such activities. Such strategies and activities may include—

(1) on-the-job training, registered apprenticeship programs, or other programs that combine work with skills development;

(2) sector-based training programs that have been designed to meet the specific requirements of an employer or group of employers in that sector and for which employers are committed to hiring individuals upon successful completion of the training;

(3) training that supports an industry sector or an employer-based or labor-management committee industry partnership and that includes a significant work-experience component;

(4) activities that lead to the acquisition of industry-recognized credentials in a field identified by the State or local area as a growth sector or in-demand industry in which there are likely to be significant job opportunities in the short term;

(5) activities that provide connections to immediate work opportunities, including subsidized employment opportunities, or summer employment opportunities for youth, that include concurrent skills training and other supports;

(6) activities offered through career academies that provide students with the academic preparation and training, such as paid internships and concurrent enrollment in community colleges or other postsecondary institutions, needed to pursue a career pathway that leads to postsecondary credentials and in-demand jobs; and

(7) adult basic education and integrated basic education and training for low-skilled individuals who are not younger than 16 but are younger than 25, hosted at community colleges or at other sites, to prepare individuals for jobs that are in demand in a local area.

(g) **COORDINATION OF FEDERAL ADMINISTRATION.**—The Secretary of Labor shall administer this section in coordination with the Secretary of Education, the Secretary of Health and Human Services, and other appropriate agency heads, to ensure the effective implementation of this section.

**SEC. 10305. GENERAL REQUIREMENTS.**

(a) **LABOR STANDARDS AND PROTECTIONS.**—Activities provided with funds made available under this subpart shall be subject to the requirements and restrictions, including the labor standards, described in section 181 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3241) and the non-discrimination provisions of section 188 of such Act (29 U.S.C. 3248), in addition to other applicable Federal laws.

(b) **REPORTING.**—The Secretary of Labor may require the reporting of information relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out with funds provided under this subpart. At a minimum, recipients of grants (including recipients of subgrants) under this subpart shall provide information relating to—

(1) the number of individuals participating in activities with funds provided under this

subpart and the number of such individuals who have completed such participation;

(2) the expenditures of funds provided under this subpart;

(3) the number of jobs created pursuant to the activities carried out under this subpart;

(4) the demographic characteristics of individuals participating in activities under this subpart; and

(5) the performance outcomes for individuals participating in activities under this subpart, including—

(A) for low-income youth participating in summer employment activities under sections 3 and 4, performance on indicators consisting of—

(i) work readiness skill attainment using an employer validated checklist; and

(ii) placement in or return to secondary or postsecondary education or training, or entry into unsubsidized employment;

(B) for low-income youth participating in year-round employment activities under section 10303 or in activities under section 10304, performance on indicators consisting of—

(i) placement in or return to postsecondary education;

(ii) attainment of a secondary school diploma or its recognized equivalent;

(iii) attainment of an industry-recognized credential; and

(iv) entry into, retention in, and earnings in, unsubsidized employment; and

(C) for unemployed, low-income young adults participating in activities under section 10304, performance on indicators consisting of—

(i) entry into, retention in, and earnings in, unsubsidized employment; and

(ii) attainment of an industry-recognized credential.

(c) **ACTIVITIES REQUIRED TO BE ADDITIONAL.**—Funds provided under this subpart shall only be used for activities that are in addition to activities that would otherwise be available in the State or local area in the absence of such funds.

(d) **ADDITIONAL REQUIREMENTS.**—The Secretary of Labor may establish such additional requirements as the Secretary determines may be necessary to ensure fiscal integrity, effective monitoring, and the appropriate and prompt implementation of the activities under this subpart.

(e) **REPORT OF INFORMATION AND EVALUATIONS TO CONGRESS AND THE PUBLIC.**—The Secretary of Labor shall provide to the appropriate committees of Congress and make available to the public the information reported pursuant to subsection (b).

**SEC. 10306. DEFINITIONS.**

In this subpart:

(1) **CHIEF ELECTED OFFICIAL.**—The term “chief elected official” means the chief elected executive officer of a unit of local government in a local area or in the case in which such an area includes more than one unit of general government, the individuals designated under an agreement described in section 107(c)(1)(B) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3122(c)(1)(B)).

(2) **LOCAL AREA.**—The term “local area” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(3) **LOCAL BOARD.**—The term “local board” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act.

(4) **LOCAL PLAN.**—The term “local plan”—

(A) means a local plan approved, before July 1, 2016, under section 118 of the Workforce Investment Act of 1998 (29 U.S.C. 2833); and

(B) after June 30, 2016, means a local plan as defined in section 3 of the Workforce Innovation and Opportunity Act.

(5) **LOW-INCOME YOUTH.**—The term “low-income youth” means an individual who—

(A) is not younger than 16 but is younger than 25;

(B) meets the definition of a low-income individual provided in section 3(36) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102(36)), except that—

(i) States and local areas, subject to approval in the applicable State plans and local plans, may increase the income level specified in subparagraph (B)(i) of such section to an amount not in excess of 200 percent of the poverty line for purposes of determining eligibility for participation in activities under section 10303; and

(ii) eligible entities described in section 10304(c), subject to approval in the applicable applications for funds, may make such an increase for purposes of determining eligibility for participation in activities under section 10304; and

(C) is in one or more of the categories specified in subparagraph (B)(iii) or (C)(iv) of section 129(a)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164(a)(1)).

(6) **POVERTY LINE.**—The term “poverty line” means a poverty line as defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902), applicable to a family of the size involved.

(7) **REGISTERED APPRENTICESHIP PROGRAM.**—The term “registered apprenticeship program” means an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

(8) **STATE.**—The term “State” means each of the several States of the United States, and the District of Columbia.

(9) **STATE PLAN.**—The term “State plan” means a State plan approved—

(A) before July 1, 2016, under section 112 of the Workforce Investment Act of 1998 (29 U.S.C. 2822); or

(B) after June 30, 2016, under section 102 or 103 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3112, 3113).

(10) **UNEMPLOYED, LOW-INCOME YOUNG ADULT.**—The term “unemployed, low-income young adult” means an individual who—

(A) is not younger than 18 but is younger than 35;

(B) is without employment and is seeking assistance under this subpart to obtain employment; and

(C) meets the definition of a low-income individual specified in section 3(36) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102(36)), except that eligible entities described in section 10304(c), subject to approval in the applicable applications for funds, may increase the income level specified in subparagraph (B)(i) of such section 3(36) to an amount not in excess of 200 percent of the poverty line for purposes of determining eligibility for participation in activities under section 10304.

**Subpart 2—Carried Interest Fairness**

**SEC. 10311. SHORT TITLE; ETC.**

(a) **SHORT TITLE.**—This subpart may be cited as the “Carried Interest Fairness Act of 2015”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this subpart 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 Internal Revenue Code of 1986.

**SEC. 10312. PARTNERSHIP INTERESTS TRANSFERRED IN CONNECTION WITH PERFORMANCE OF SERVICES.**

(a) **MODIFICATION TO ELECTION TO INCLUDE PARTNERSHIP INTEREST IN GROSS INCOME IN**

YEAR OF TRANSFER.—Subsection (c) of section 83 is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

“(4) PARTNERSHIP INTERESTS.—Except as provided by the Secretary—

“(A) IN GENERAL.—In the case of any transfer of an interest in a partnership in connection with the provision of services to (or for the benefit of) such partnership—

“(i) the fair market value of such interest shall be treated for purposes of this section as being equal to the amount of the distribution which the partner would receive if the partnership sold (at the time of the transfer) all of its assets at fair market value and distributed the proceeds of such sale (reduced by the liabilities of the partnership) to its partners in liquidation of the partnership, and

“(ii) the person receiving such interest shall be treated as having made the election under subsection (b)(1) unless such person makes an election under this paragraph to have such subsection not apply.

“(B) ELECTION.—The election under subparagraph (A)(ii) shall be made under rules similar to the rules of subsection (b)(2).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to interests in partnerships transferred after the date of the enactment of this Act.

**SEC. 10313. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIPS.**

(a) IN GENERAL.—Part I of subchapter K of chapter 1 is amended by adding at the end the following new section:

**“SEC. 710. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIPS.**

“(a) TREATMENT OF DISTRIBUTIVE SHARE OF PARTNERSHIP ITEMS.—For purposes of this title, in the case of an investment services partnership interest—

“(1) IN GENERAL.—Notwithstanding section 702(b)—

“(A) an amount equal to the net capital gain with respect to such interest for any partnership taxable year shall be treated as ordinary income, and

“(B) subject to the limitation of paragraph (2), an amount equal to the net capital loss with respect to such interest for any partnership taxable year shall be treated as an ordinary loss.

“(2) RECHARACTERIZATION OF LOSSES LIMITED TO RECHARACTERIZED GAINS.—The amount treated as ordinary loss under paragraph (1)(B) for any taxable year shall not exceed the excess (if any) of—

“(A) the aggregate amount treated as ordinary income under paragraph (1)(A) with respect to the investment services partnership interest for all preceding partnership taxable years to which this section applies, over

“(B) the aggregate amount treated as ordinary loss under paragraph (1)(B) with respect to such interest for all preceding partnership taxable years to which this section applies.

“(3) ALLOCATION TO ITEMS OF GAIN AND LOSS.—

“(A) NET CAPITAL GAIN.—The amount treated as ordinary income under paragraph (1)(A) shall be allocated ratably among the items of long-term capital gain taken into account in determining such net capital gain.

“(B) NET CAPITAL LOSS.—The amount treated as ordinary loss under paragraph (1)(B) shall be allocated ratably among the items of long-term capital loss and short-term capital loss taken into account in determining such net capital loss.

“(4) TERMS RELATING TO CAPITAL GAINS AND LOSSES.—For purposes of this section—

“(A) IN GENERAL.—Net capital gain, long-term capital gain, and long-term capital

loss, with respect to any investment services partnership interest for any taxable year, shall be determined under section 1222, except that such section shall be applied—

“(i) without regard to the recharacterization of any item as ordinary income or ordinary loss under this section,

“(ii) by only taking into account items of gain and loss taken into account by the holder of such interest under section 702 (other than subsection (a)(9) thereof) with respect to such interest for such taxable year, and

“(iii) by treating property which is taken into account in determining gains and losses to which section 1231 applies as capital assets held for more than 1 year.

“(B) NET CAPITAL LOSS.—The term ‘net capital loss’ means the excess of the losses from sales or exchanges of capital assets over the gains from such sales or exchanges. Rules similar to the rules of clauses (i) through (iii) of subparagraph (A) shall apply for purposes of the preceding sentence.

“(5) SPECIAL RULE FOR DIVIDENDS.—Any dividend allocated with respect to any investment services partnership interest shall not be treated as qualified dividend income for purposes of section 1(h).

“(6) SPECIAL RULE FOR QUALIFIED SMALL BUSINESS STOCK.—Section 1202 shall not apply to any gain from the sale or exchange of qualified small business stock (as defined in section 1202(c)) allocated with respect to any investment services partnership interest.

“(b) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

“(1) GAIN.—

“(A) IN GENERAL.—Any gain on the disposition of an investment services partnership interest shall be—

“(i) treated as ordinary income, and

“(ii) recognized notwithstanding any other provision of this subtitle.

“(B) GIFT AND TRANSFERS AT DEATH.—In the case of a disposition of an investment services partnership interest by gift or by reason of death of the taxpayer—

“(i) subparagraph (A) shall not apply,

“(ii) such interest shall be treated as an investment services partnership interest in the hands of the person acquiring such interest, and

“(iii) any amount that would have been treated as ordinary income under this subsection had the decedent sold such interest immediately before death shall be treated as an item of income in respect of a decedent under section 691.

“(2) LOSS.—Any loss on the disposition of an investment services partnership interest shall be treated as an ordinary loss to the extent of the excess (if any) of—

“(A) the aggregate amount treated as ordinary income under subsection (a) with respect to such interest for all partnership taxable years to which this section applies, over

“(B) the aggregate amount treated as ordinary loss under subsection (a) with respect to such interest for all partnership taxable years to which this section applies.

“(3) ELECTION WITH RESPECT TO CERTAIN EXCHANGES.—Paragraph (1)(A)(ii) shall not apply to the contribution of an investment services partnership interest to a partnership in exchange for an interest in such partnership if—

“(A) the taxpayer makes an irrevocable election to treat the partnership interest received in the exchange as an investment services partnership interest, and

“(B) the taxpayer agrees to comply with such reporting and recordkeeping requirements as the Secretary may prescribe.

“(4) DISTRIBUTIONS OF PARTNERSHIP PROPERTY.—

“(A) IN GENERAL.—In the case of any distribution of property by a partnership with

respect to any investment services partnership interest held by a partner, the partner receiving such property shall recognize gain equal to the excess (if any) of—

“(i) the fair market value of such property at the time of such distribution, over

“(ii) the adjusted basis of such property in the hands of such partner (determined without regard to subparagraph (C)).

“(B) TREATMENT OF GAIN AS ORDINARY INCOME.—Any gain recognized by such partner under subparagraph (A) shall be treated as ordinary income to the same extent and in the same manner as the increase in such partner’s distributive share of the taxable income of the partnership would be treated under subsection (a) if, immediately prior to the distribution, the partnership had sold the distributed property at fair market value and all of the gain from such disposition were allocated to such partner. For purposes of applying subsection (a)(2), any gain treated as ordinary income under this subparagraph shall be treated as an amount treated as ordinary income under subsection (a)(1)(A).

“(C) ADJUSTMENT OF BASIS.—In the case of a distribution to which subparagraph (A) applies, the basis of the distributed property in the hands of the distributee partner shall be the fair market value of such property.

“(D) SPECIAL RULES WITH RESPECT TO MERGERS, DIVISIONS, AND TECHNICAL TERMINATIONS.—In the case of a taxpayer which satisfies requirements similar to the requirements of subparagraphs (A) and (B) of paragraph (3), this paragraph and paragraph (1)(A)(ii) shall not apply to the distribution of a partnership interest if such distribution is in connection with a contribution (or deemed contribution) of any property of the partnership to which section 721 applies pursuant to a transaction described in paragraph (1)(B) or (2) of section 708(b).

“(C) INVESTMENT SERVICES PARTNERSHIP INTEREST.—For purposes of this section—

“(1) IN GENERAL.—The term ‘investment services partnership interest’ means any interest in an investment partnership acquired or held by any person in connection with the conduct of a trade or business described in paragraph (2) by such person (or any person related to such person). An interest in an investment partnership held by any person—

“(A) shall not be treated as an investment services partnership interest for any period before the first date on which it is so held in connection with such a trade or business,

“(B) shall not cease to be an investment services partnership interest merely because such person holds such interest other than in connection with such a trade or business, and

“(C) shall be treated as an investment services partnership interest if acquired from a related person in whose hands such interest was an investment services partnership interest.

“(2) BUSINESSES TO WHICH THIS SECTION APPLIES.—A trade or business is described in this paragraph if such trade or business primarily involves the performance of any of the following services with respect to assets held (directly or indirectly) by one or more investment partnerships referred to in paragraph (1):

“(A) Advising as to the advisability of investing in, purchasing, or selling any specified asset.

“(B) Managing, acquiring, or disposing of any specified asset.

“(C) Arranging financing with respect to acquiring specified assets.

“(D) Any activity in support of any service described in subparagraphs (A) through (C).

“(3) INVESTMENT PARTNERSHIP.—

“(A) IN GENERAL.—The term ‘investment partnership’ means any partnership if, at the

end of any two consecutive calendar quarters ending after the date of enactment of this section—

“(i) substantially all of the assets of the partnership are specified assets (determined without regard to any section 197 intangible within the meaning of section 197(d)), and

“(ii) less than 75 percent of the capital of the partnership is attributable to qualified capital interests which constitute property held in connection with a trade or business of the owner of such interest.

“(B) LOOK-THROUGH OF CERTAIN WHOLLY OWNED ENTITIES FOR PURPOSES OF DETERMINING ASSETS OF THE PARTNERSHIP.—

“(i) IN GENERAL.—For purposes of determining the assets of a partnership under subparagraph (A)(i)—

“(I) any interest in a specified entity shall not be treated as an asset of such partnership, and

“(II) such partnership shall be treated as holding its proportionate share of each of the assets of such specified entity.

“(ii) SPECIFIED ENTITY.—For purposes of clause (i), the term ‘specified entity’ means, with respect to any partnership (hereafter referred to as the upper-tier partnership), any person which engages in the same trade or business as the upper-tier partnership and is—

“(I) a partnership all of the capital and profits interests of which are held directly or indirectly by the upper-tier partnership, or

“(II) a foreign corporation which does not engage in a trade or business in the United States and all of the stock of which is held directly or indirectly by the upper-tier partnership.

“(C) SPECIAL RULES FOR DETERMINING IF PROPERTY HELD IN CONNECTION WITH TRADE OR BUSINESS.—

“(i) IN GENERAL.—Except as otherwise provided by the Secretary, solely for purposes of determining whether any interest in a partnership constitutes property held in connection with a trade or business under subparagraph (A)(ii)—

“(I) a trade or business of any person closely related to the owner of such interest shall be treated as a trade or business of such owner,

“(II) such interest shall be treated as held by a person in connection with a trade or business during any taxable year if such interest was so held by such person during any 3 taxable years preceding such taxable year, and

“(III) paragraph (5)(B) shall not apply.

“(ii) CLOSELY RELATED PERSONS.—For purposes of clause (i)(I), a person shall be treated as closely related to another person if, taking into account the rules of section 267(c), the relationship between such persons is described in—

“(I) paragraph (1) or (9) of section 267(b), or

“(II) section 267(b)(4), but solely in the case of a trust with respect to which each current beneficiary is the grantor or a person whose relationship to the grantor is described in paragraph (1) or (9) of section 267(b).

“(D) ANTIABUSE RULES.—The Secretary may issue regulations or other guidance which prevent the avoidance of the purposes of subparagraph (A), including regulations or other guidance which treat convertible and contingent debt (and other debt having the attributes of equity) as a capital interest in the partnership.

“(E) CONTROLLED GROUPS OF ENTITIES.—

“(i) IN GENERAL.—In the case of a controlled group of entities, if an interest in the partnership received in exchange for a contribution to the capital of the partnership by any member of such controlled group would (in the hands of such member) constitute property held in connection with a trade or business, then any interest in such partner-

ship held by any member of such group shall be treated for purposes of subparagraph (A) as constituting (in the hands of such member) property held in connection with a trade or business.

“(ii) CONTROLLED GROUP OF ENTITIES.—For purposes of clause (i), the term ‘controlled group of entities’ means a controlled group of corporations as defined in section 1563(a)(1), applied without regard to subsections (a)(4) and (b)(2) of section 1563. A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

“(F) SPECIAL RULE FOR CORPORATIONS.—For purposes of this paragraph, in the case of a corporation, the determination of whether property is held in connection with a trade or business shall be determined as if the taxpayer were an individual.

“(4) SPECIFIED ASSET.—The term ‘specified asset’ means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), real estate held for rental or investment, interests in partnerships, commodities (as defined in section 475(e)(2)), cash or cash equivalents, or options or derivative contracts with respect to any of the foregoing.

“(5) RELATED PERSONS.—

“(A) IN GENERAL.—A person shall be treated as related to another person if the relationship between such persons is described in section 267(b) or 707(b).

“(B) ATTRIBUTION OF PARTNER SERVICES.—Any service described in paragraph (2) which is provided by a partner of a partnership shall be treated as also provided by such partnership.

“(d) EXCEPTION FOR CERTAIN CAPITAL INTERESTS.—

“(1) IN GENERAL.—In the case of any portion of an investment services partnership interest which is a qualified capital interest, all items of gain and loss (and any dividends) which are allocated to such qualified capital interest shall not be taken into account under subsection (a) if—

“(A) allocations of items are made by the partnership to such qualified capital interest in the same manner as such allocations are made to other qualified capital interests held by partners who do not provide any services described in subsection (c)(2) and who are not related to the partner holding the qualified capital interest, and

“(B) the allocations made to such other interests are significant compared to the allocations made to such qualified capital interest.

“(2) AUTHORITY TO PROVIDE EXCEPTIONS TO ALLOCATION REQUIREMENTS.—To the extent provided by the Secretary in regulations or other guidance—

“(A) ALLOCATIONS TO PORTION OF QUALIFIED CAPITAL INTEREST.—Paragraph (1) may be applied separately with respect to a portion of a qualified capital interest.

“(B) NO OR INSIGNIFICANT ALLOCATIONS TO NONSERVICE PROVIDERS.—In any case in which the requirements of paragraph (1)(B) are not satisfied, items of gain and loss (and any dividends) shall not be taken into account under subsection (a) to the extent that such items are properly allocable under such regulations or other guidance to qualified capital interests.

“(C) ALLOCATIONS TO SERVICE PROVIDERS’ QUALIFIED CAPITAL INTERESTS WHICH ARE LESS THAN OTHER ALLOCATIONS.—Allocations shall not be treated as failing to meet the requirement of paragraph (1)(A) merely because the allocations to the qualified capital interest represent a lower return than the allocations

made to the other qualified capital interests referred to in such paragraph.

“(3) SPECIAL RULE FOR CHANGES IN SERVICES AND CAPITAL CONTRIBUTIONS.—In the case of an interest in a partnership which was not an investment services partnership interest and which, by reason of a change in the services with respect to assets held (directly or indirectly) by the partnership or by reason of a change in the capital contributions to such partnership, becomes an investment services partnership interest, the qualified capital interest of the holder of such partnership interest immediately after such change shall not, for purposes of this subsection, be less than the fair market value of such interest (determined immediately before such change).

“(4) SPECIAL RULE FOR TIERED PARTNERSHIPS.—Except as otherwise provided by the Secretary, in the case of tiered partnerships, all items which are allocated in a manner which meets the requirements of paragraph (1) to qualified capital interests in a lower-tier partnership shall retain such character to the extent allocated on the basis of qualified capital interests in any upper-tier partnership.

“(5) EXCEPTION FOR NO-SELF-CHARGED CARRY AND MANAGEMENT FEE PROVISIONS.—Except as otherwise provided by the Secretary, an interest shall not fail to be treated as satisfying the requirement of paragraph (1)(A) merely because the allocations made by the partnership to such interest do not reflect the cost of services described in subsection (c)(2) which are provided (directly or indirectly) to the partnership by the holder of such interest (or a related person).

“(6) SPECIAL RULE FOR DISPOSITIONS.—In the case of any investment services partnership interest any portion of which is a qualified capital interest, subsection (b) shall not apply to so much of any gain or loss as bears the same proportion to the entire amount of such gain or loss as—

“(A) the distributive share of gain or loss that would have been allocated to the qualified capital interest (consistent with the requirements of paragraph (1)) if the partnership had sold all of its assets at fair market value immediately before the disposition, bears to

“(B) the distributive share of gain or loss that would have been so allocated to the investment services partnership interest of which such qualified capital interest is a part.

“(7) QUALIFIED CAPITAL INTEREST.—For purposes of this section—

“(A) IN GENERAL.—The term ‘qualified capital interest’ means so much of a partner’s interest in the capital of the partnership as is attributable to—

“(i) the fair market value of any money or other property contributed to the partnership in exchange for such interest (determined without regard to section 752(a)),

“(ii) any amounts which have been included in gross income under section 83 with respect to the transfer of such interest, and

“(iii) the excess (if any) of—

“(I) any items of income and gain taken into account under section 702 with respect to such interest, over

“(II) any items of deduction and loss so taken into account.

“(B) ADJUSTMENT TO QUALIFIED CAPITAL INTEREST.—

“(i) DISTRIBUTIONS AND LOSSES.—The qualified capital interest shall be reduced by distributions from the partnership with respect to such interest and by the excess (if any) of the amount described in subparagraph (A)(iii)(II) over the amount described in subparagraph (A)(iii)(I).

“(ii) SPECIAL RULE FOR CONTRIBUTIONS OF PROPERTY.—In the case of any contribution

of property described in subparagraph (A)(i) with respect to which the fair market value of such property is not equal to the adjusted basis of such property immediately before such contribution, proper adjustments shall be made to the qualified capital interest to take into account such difference consistent with such regulations or other guidance as the Secretary may provide.

“(C) TECHNICAL TERMINATIONS, ETC., DISREGARDED.—No increase or decrease in the qualified capital interest of any partner shall result from a termination, merger, consolidation, or division described in section 708, or any similar transaction.

“(8) TREATMENT OF CERTAIN LOANS.—

“(A) PROCEEDS OF PARTNERSHIP LOANS NOT TREATED AS QUALIFIED CAPITAL INTEREST OF SERVICE PROVIDING PARTNERS.—For purposes of this subsection, an investment services partnership interest shall not be treated as a qualified capital interest to the extent that such interest is acquired in connection with the proceeds of any loan or other advance made or guaranteed, directly or indirectly, by any other partner or the partnership (or any person related to any such other partner or the partnership). The preceding sentence shall not apply to the extent the loan or other advance is repaid before the date of the enactment of this section unless such repayment is made with the proceeds of a loan or other advance described in the preceding sentence.

“(B) REDUCTION IN ALLOCATIONS TO QUALIFIED CAPITAL INTERESTS FOR LOANS FROM NON-SERVICE-PROVIDING PARTNERS TO THE PARTNERSHIP.—For purposes of this subsection, any loan or other advance to the partnership made or guaranteed, directly or indirectly, by a partner not providing services described in subsection (c)(2) to the partnership (or any person related to such partner) shall be taken into account in determining the qualified capital interests of the partners in the partnership.

“(9) SPECIAL RULE FOR QUALIFIED FAMILY PARTNERSHIPS.—

“(A) IN GENERAL.—In the case of any specified family partnership interest, paragraph (1)(A) shall be applied without regard to the phrase ‘and who are not related to the partner holding the qualified capital interest’.

“(B) SPECIFIED FAMILY PARTNERSHIP INTEREST.—For purposes of this paragraph, the term ‘specified family partnership interest’ means any investment services partnership interest if—

“(i) such interest is an interest in a qualified family partnership,

“(ii) such interest is held by a natural person or by a trust with respect to which each beneficiary is a grantor or a person whose relationship to the grantor is described in section 267(b)(1), and

“(iii) all other interests in such qualified family partnership with respect to which significant allocations are made (within the meaning of paragraph (1)(B) and in comparison to the allocations made to the interest described in clause (ii)) are held by persons who—

“(I) are related to the natural person or trust referred to in clause (ii), or

“(II) provide services described in subsection (c)(2).

“(C) QUALIFIED FAMILY PARTNERSHIP.—For purposes of this paragraph, the term ‘qualified family partnership’ means any partnership if—

“(i) all of the capital and profits interests of such partnership are held by—

“(I) specified family members,

“(II) any person closely related (within the meaning of subsection (c)(3)(C)(ii)) to a specified family member, or

“(III) any other person (not described in subclause (I) or (II)) if such interest is an in-

vestment services partnership interest with respect to such person, and

“(ii) such partnership does not hold itself out to the public as an investment advisor.

“(D) SPECIFIED FAMILY MEMBERS.—For purposes of subparagraph (C), individuals shall be treated as specified family members if such individuals would be treated as one person under the rules of section 1361(c)(1) if the applicable date (within the meaning of subparagraph (B)(iii) thereof) were the latest of—

“(i) the date of the establishment of the partnership,

“(ii) the earliest date that the common ancestor holds a capital or profits interest in the partnership, or

“(iii) the date of the enactment of this section.

“(E) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—

“(1) IN GENERAL.—If—

“(A) a person performs (directly or indirectly) investment management services for any investment entity,

“(B) such person holds (directly or indirectly) a disqualified interest with respect to such entity, and

“(C) the value of such interest (or payments thereunder) is substantially related to the amount of income or gain (whether or not realized) from the assets with respect to which the investment management services are performed,

any income or gain with respect to such interest shall be treated as ordinary income. Rules similar to the rules of subsections (a)(5) and (d) shall apply for purposes of this subsection.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) DISQUALIFIED INTEREST.—

“(i) IN GENERAL.—The term ‘disqualified interest’ means, with respect to any investment entity—

“(I) any interest in such entity other than indebtedness,

“(II) convertible or contingent debt of such entity,

“(III) any option or other right to acquire property described in subclause (I) or (II), and

“(IV) any derivative instrument entered into (directly or indirectly) with such entity or any investor in such entity.

“(ii) EXCEPTIONS.—Such term shall not include—

“(I) a partnership interest,

“(II) except as provided by the Secretary, any interest in a taxable corporation, and

“(III) except as provided by the Secretary, stock in an S corporation.

“(B) TAXABLE CORPORATION.—The term ‘taxable corporation’ means—

“(i) a domestic C corporation, or

“(ii) a foreign corporation substantially all of the income of which is—

“(I) effectively connected with the conduct of a trade or business in the United States, or

“(II) subject to a comprehensive foreign income tax (as defined in section 457A(d)(2)).

“(C) INVESTMENT MANAGEMENT SERVICES.—The term ‘investment management services’ means a substantial quantity of any of the services described in subsection (c)(2).

“(D) INVESTMENT ENTITY.—The term ‘investment entity’ means any entity which, if it were a partnership, would be an investment partnership.

“(F) EXCEPTION FOR DOMESTIC C CORPORATIONS.—Except as otherwise provided by the Secretary, in the case of a domestic C corporation—

“(1) subsections (a) and (b) shall not apply to any item allocated to such corporation with respect to any investment services partnership interest (or to any gain or loss

with respect to the disposition of such an interest), and

“(2) subsection (e) shall not apply.

“(g) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance to—

“(1) require such reporting and record-keeping by any person in such manner and at such time as the Secretary may prescribe for purposes of enabling the partnership to meet the requirements of section 6031 with respect to any item described in section 702(a)(9),

“(2) provide modifications to the application of this section (including treating related persons as not related to one another) to the extent such modification is consistent with the purposes of this section,

“(3) prevent the avoidance of the purposes of this section (including through the use of qualified family partnerships), and

“(4) coordinate this section with the other provisions of this title.

“(h) CROSS REFERENCE.—For 40-percent penalty on certain underpayments due to the avoidance of this section, see section 6662.”.

(b) APPLICATION OF SECTION 751 TO INDIRECT DISPOSITIONS OF INVESTMENT SERVICES PARTNERSHIP INTERESTS.—

(1) IN GENERAL.—Subsection (a) of section 751 is amended by striking “or” at the end of paragraph (1), by inserting “or” at the end of paragraph (2), and by inserting after paragraph (2) the following new paragraph:

“(3) investment services partnership interests held by the partnership.”.

(2) CERTAIN DISTRIBUTIONS TREATED AS SALES OR EXCHANGES.—Subparagraph (A) of section 751(b)(1) is amended by striking “or” at the end of clause (i), by inserting “or” at the end of clause (ii), and by inserting after clause (ii) the following new clause:

“(iii) investment services partnership interests held by the partnership.”.

(3) APPLICATION OF SPECIAL RULES IN THE CASE OF TIERED PARTNERSHIPS.—Subsection (f) of section 751 is amended—

(A) by striking “or” at the end of paragraph (1), by inserting “or” at the end of paragraph (2), and by inserting after paragraph (2) the following new paragraph:

“(3) an investment services partnership interest held by the partnership,” and

(B) by striking “partner,” and inserting “partner (other than a partnership in which it holds an investment services partnership interest).”.

(4) INVESTMENT SERVICES PARTNERSHIP INTERESTS; QUALIFIED CAPITAL INTERESTS.—Section 751 is amended by adding at the end the following new subsection:

“(g) INVESTMENT SERVICES PARTNERSHIP INTERESTS.—For purposes of this section—

“(1) IN GENERAL.—The term ‘investment services partnership interest’ has the meaning given such term by section 710(c).

“(2) ADJUSTMENTS FOR QUALIFIED CAPITAL INTERESTS.—The amount to which subsection (a) applies by reason of paragraph (3) thereof shall not include so much of such amount as is attributable to any portion of the investment services partnership interest which is a qualified capital interest (determined under rules similar to the rules of section 710(d)).

“(3) EXCEPTION FOR PUBLICLY TRADED PARTNERSHIPS.—Except as otherwise provided by the Secretary, in the case of an exchange of an interest in a publicly traded partnership (as defined in section 7704) to which subsection (a) applies—

“(A) this section shall be applied without regard to subsections (a)(3), (b)(1)(A)(iii), and (f)(3), and

“(B) such partnership shall be treated as owning its proportionate share of the property of any other partnership in which it is a partner.



“(4) RECOGNITION OF GAINS.—Any gain with respect to which subsection (a) applies by reason of paragraph (3) thereof shall be recognized notwithstanding any other provision of this title.

“(5) COORDINATION WITH INVENTORY ITEMS.—An investment services partnership interest held by the partnership shall not be treated as an inventory item of the partnership.

“(6) PREVENTION OF DOUBLE COUNTING.—Under regulations or other guidance prescribed by the Secretary, subsection (a)(3) shall not apply with respect to any amount to which section 710 applies.

“(7) VALUATION METHODS.—The Secretary shall prescribe regulations or other guidance which provide the acceptable methods for valuing investment services partnership interests for purposes of this section.”

(c) TREATMENT FOR PURPOSES OF SECTION 7704.—Subsection (d) of section 7704 is amended by adding at the end the following new paragraph:

“(6) INCOME FROM CERTAIN CARRIED INTERESTS NOT QUALIFIED.—

“(A) IN GENERAL.—Specified carried interest income shall not be treated as qualifying income.

“(B) SPECIFIED CARRIED INTEREST INCOME.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘specified carried interest income’ means—

“(I) any item of income or gain allocated to an investment services partnership interest (as defined in section 710(c)) held by the partnership,

“(II) any gain on the disposition of an investment services partnership interest (as so defined) or a partnership interest to which (in the hands of the partnership) section 751 applies, and

“(III) any income or gain taken into account by the partnership under subsection (b)(4) or (e) of section 710.

“(ii) EXCEPTION FOR QUALIFIED CAPITAL INTERESTS.—A rule similar to the rule of section 710(d) shall apply for purposes of clause (i).

“(C) COORDINATION WITH OTHER PROVISIONS.—Subparagraph (A) shall not apply to any item described in paragraph (1)(E) (or so much of paragraph (1)(F) as relates to paragraph (1)(E)).

“(D) SPECIAL RULES FOR CERTAIN PARTNERSHIPS.—

“(i) CERTAIN PARTNERSHIPS OWNED BY REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

“(I) Such partnership is treated as publicly traded under this section solely by reason of interests in such partnership being convertible into interests in a real estate investment trust which is publicly traded.

“(II) Fifty percent or more of the capital and profits interests of such partnership are owned, directly or indirectly, at all times during the taxable year by such real estate investment trust (determined with the application of section 267(c)).

“(III) Such partnership meets the requirements of paragraphs (2), (3), and (4) of section 856(c).

“(ii) CERTAIN PARTNERSHIPS OWNING OTHER PUBLICLY TRADED PARTNERSHIPS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

“(I) Substantially all of the assets of such partnership consist of interests in one or more publicly traded partnerships (determined without regard to subsection (b)(2)).

“(II) Substantially all of the income of such partnership is ordinary income or section 1231 gain (as defined in section 1231(a)(3)).

“(E) TRANSITIONAL RULE.—Subparagraph (A) shall not apply to any taxable year of the partnership beginning before the date which is 10 years after the date of the enactment of this paragraph.”

(d) IMPOSITION OF PENALTY ON UNDERPAYMENTS.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (7) the following new paragraph:

“(8) The application of section 710(e) or the regulations or other guidance prescribed under section 710(g) to prevent the avoidance of the purposes of section 710.”

(2) AMOUNT OF PENALTY.—

(A) IN GENERAL.—Section 6662 is amended by adding at the end the following new subsection:

“(k) INCREASE IN PENALTY IN CASE OF PROPERTY TRANSFERRED FOR INVESTMENT MANAGEMENT SERVICES.—In the case of any portion of an underpayment to which this section applies by reason of subsection (b)(8), subsection (a) shall be applied with respect to such portion by substituting ‘40 percent’ for ‘20 percent’.”

(B) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended by striking “or (i)” and inserting “, (i), or (k)”.

(3) SPECIAL RULES FOR APPLICATION OF REASONABLE CAUSE EXCEPTION.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(B) by striking “paragraph (3)” in paragraph (5)(A), as so redesignated, and inserting “paragraph (4)”;

(C) by inserting after paragraph (2) the following new paragraph:

“(3) SPECIAL RULE FOR UNDERPAYMENTS ATTRIBUTABLE TO INVESTMENT MANAGEMENT SERVICES.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any portion of an underpayment to which section 6662 applies by reason of subsection (b)(8) unless—

“(i) the relevant facts affecting the tax treatment of the item are adequately disclosed,

“(ii) there is or was substantial authority for such treatment, and

“(iii) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

“(B) RULES RELATING TO REASONABLE BELIEF.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of subparagraph (A)(iii).”

(e) INCOME AND LOSS FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS TAKEN INTO ACCOUNT IN DETERMINING NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) INTERNAL REVENUE CODE.—

(A) IN GENERAL.—Section 1402(a) is amended by striking “and” at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting “; and”, and by inserting after paragraph (17) the following new paragraph:

“(18) notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(2) with respect to any entity, investment services partnership income or loss (as defined in subsection (m)) of such individual with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.”

(B) INVESTMENT SERVICES PARTNERSHIP INCOME OR LOSS.—Section 1402 is amended by adding at the end the following new subsection:

“(m) INVESTMENT SERVICES PARTNERSHIP INCOME OR LOSS.—For purposes of subsection (a)—

“(1) IN GENERAL.—The term ‘investment services partnership income or loss’ means,

with respect to any investment services partnership interest (as defined in section 710(c)) or disqualified interest (as defined in section 710(e)), the net of—

“(A) the amounts treated as ordinary income or ordinary loss under subsections (b) and (e) of section 710 with respect to such interest,

“(B) all items of income, gain, loss, and deduction allocated to such interest, and

“(C) the amounts treated as realized from the sale or exchange of property other than a capital asset under section 751 with respect to such interest.

“(2) EXCEPTION FOR QUALIFIED CAPITAL INTERESTS.—A rule similar to the rule of section 710(d) shall apply for purposes of applying paragraph (1)(B).”

(2) SOCIAL SECURITY ACT.—Section 211(a) of the Social Security Act is amended by striking “and” at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting “; and”, and by inserting after paragraph (16) the following new paragraph:

“(17) Notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(2) of the Internal Revenue Code of 1986 with respect to any entity, investment services partnership income or loss (as defined in section 1402(m) of such Code) shall be taken into account in determining the net earnings from self-employment of such individual.”

(f) SEPARATE ACCOUNTING BY PARTNER.—Section 702(a) is amended by striking “and” at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting “; and”, and by inserting after paragraph (8) the following:

“(9) any amount treated as ordinary income or loss under subsection (a), (b), or (e) of section 710.”

(g) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 731 is amended by inserting “section 710(b)(4) (relating to distributions of partnership property),” after “to the extent otherwise provided by”.

(2) Section 741 is amended by inserting “or section 710 (relating to special rules for partners providing investment management services to partnerships)” before the period at the end.

(3) The table of sections for part I of subchapter K of chapter 1 is amended by adding at the end the following new item:

“Sec. 710. Special rules for partners providing investment management services to partnerships.”

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) PARTNERSHIP TAXABLE YEARS WHICH INCLUDE EFFECTIVE DATE.—In applying section 710(a) of the Internal Revenue Code of 1986 (as added by this section) in the case of any partnership taxable year which includes the date of the enactment of this Act, the amount of the net capital gain referred to in such section shall be treated as being the lesser of the net capital gain for the entire partnership taxable year or the net capital gain determined by only taking into account items attributable to the portion of the partnership taxable year which is after such date.

(3) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

(A) IN GENERAL.—Section 710(b) of such Code (as added by this section) shall apply to dispositions and distributions after the date of the enactment of this Act.

(B) INDIRECT DISPOSITIONS.—The amendments made by subsection (b) shall apply to

transactions after the date of the enactment of this Act.

(4) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—Section 710(e) of such Code (as added by this section) shall take effect on the date of the enactment of this Act.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ALEXANDER. 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 Wednesday, July 8, 2015, at 10 a.m., to conduct a hearing entitled “The Role of the Financial Stability Board in the U.S. Regulatory Framework.”

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

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ALEXANDER. 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 8, 2015, at 10 a.m., in room SD-406 of the Dirksen Senate Office Building, to conduct a hearing entitled “Road to Paris: Examining the President’s International Climate Agenda and Implications for Domestic Environmental Policy.”

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 8, 2015, at 5 p.m., to conduct a hearing entitled “Department of Defense Maritime Activities and Engagement in the South China Sea.”

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

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 8, 2015, at 10 a.m., to conduct a hearing entitled “Stopping an Avian Influenza Threat to Animal and Public Health.”

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

##### COMMITTEE ON INDIAN AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on July 8, 2015, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled “A Path Forward: Trust Modernization and Reform for Indian Lands.”

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

##### COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Com-

mittee on the Judiciary be authorized to meet during the session of the Senate on July 8, 2015, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Going Dark: Encryption, Technology, and the Balance Between Public Safety and Privacy.”

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 8, 2015, at 2:30 p.m.

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

##### SUBCOMMITTEE ON CRIME AND TERRORISM

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary; Subcommittee on Crime and Terrorism, be authorized to meet during the session of the Senate on July 8, 2015, at 2:15 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Cyber Crime: Modernizing our Legal Framework for the Information Age.”

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

#### PRIVILEGES OF THE FLOOR

Mr. BENNET. Mr. President, I ask unanimous consent that Jessica Bowen, a fellow in my office, have floor privileges for the remainder of this session.

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

#### THE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 128, 129, 130, and 131 en bloc.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be considered made and laid upon the table, and that any statements related to the bills be printed in the RECORD, all en bloc.

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

#### SERGEANT FIRST CLASS WILLIAM B. WOODS, JR. POST OFFICE

The bill (H.R. 728) to designate the facility of the United States Postal Service located at 7050 Highway BB in Cedar Hill, Missouri, as the “Sergeant First Class William B. Woods, Jr. Post Office,” was ordered to a third reading, was read the third time, and passed.

#### FLORESVILLE VETERANS POST OFFICE BUILDING

The bill (H.R. 891) to designate the facility of the United States Postal

Service located at 141 Paloma Drive in Floresville, Texas, as the “Floresville Veterans Post Office Building” was ordered to a third reading, was read the third time, and passed.

#### SERGEANT FIRST CLASS DANIEL M. FERGUSON POST OFFICE

The bill (H.R. 1326) to designate the facility of the United States Postal Service located at 2000 Mulford Road in Mulberry, Florida, as the “Sergeant First Class Daniel M. Ferguson Post Office,” was ordered to a third reading, was read the third time, and passed.

#### HERMAN BADILLO POST OFFICE BUILDING

The bill (H.R. 1350) to designate the facility of the United States Postal Service located at 442 East 167th Street in Bronx, New York, as the “Herman Badillo Post Office Building,” was ordered to a third reading, was read the third time, and passed.

#### WISHING HIS HOLINESS THE 14TH DALAI LAMA A HAPPY 80TH BIRTHDAY ON JULY 6, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 200 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 200) wishing His Holiness the 14th Dalai Lama a happy 80th birthday on July 6, 2015, and recognizing the outstanding contributions His Holiness has made to the promotion of nonviolence, human rights, interfaith dialogue, environmental awareness, and democracy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 200) was agreed to.

The preamble was agreed to. (The resolution, with its preamble, is printed in the RECORD of June 11, 2015, under “Submitted Resolutions.”)

#### CONGRATULATING THE UNITED STATES WOMEN’S NATIONAL TEAM FOR WINNING THE 2015 FIFA WORLD CUP

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 218, submitted earlier today.