

Whereas, Cambodian People's Party leader and Second Prime Minister Hun Sen staged a bloody and illegal coup against the First Prime Minister and leader of the FUNCINPEC Party, Norodom Ranariddh;

Whereas, Hun Sen maintains that the coup was necessary because elements of FUNCINPEC were on the verge of consummating a deal to bring the Khmer Rouge military and political organization into the legitimate political arena;

Whereas, Norodom Ranariddh, by contrast, has argued that FUNCINPEC had no plan to form an alliance with the Khmer Rouge and that this allegation was used as a pretext by Hun Sen for the coup;

Whereas, Norodom Ranariddh asserts instead that he was on the verge of finally destroying the Khmer Rouge and bringing them to justice;

Whereas, Norodom Ranariddh further asserts that the real reason for the coup was that Hun Sen fears that convening an international tribunal to bring the Khmer Rouge to justice would implicate Hun Sen in genocidal atrocities;

Whereas, Hun Sen has consistently argued that the top Khmer Rouge leadership—including, but not limited to Pol Pot—must be brought to justice before an international criminal tribunal;

Whereas, earlier this year, Norodom Ranariddh and Hun Sen wrote to United Nations Secretary-General Kofi Annan asking for "the assistance of the United Nations and the international community in bringing to justice those persons responsible for genocide and crimes against humanity during the rule of the Khmer Rouge from 1975 to 1979";

Whereas, after the coup, troops loyal to Norodom Ranariddh appear to have formed a military alliance with troops loyal to the Khmer Rouge leadership, thus reinforcing the fears of the Cambodia people that the Khmer Rouge will use any means necessary to regain power;

Whereas, peace, democracy, stability, the rule of law and national reconciliation in Cambodia are unlikely to be achieved until the Khmer Rouge are brought to justice;

Whereas, the Cambodian Genocide Justice Act states that it is the policy of the United States to support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity, and in circumstances which the President deems appropriate, to encourage the establishment of an international criminal tribunal for the prosecution of those accused of genocide in Cambodia and provide such tribunal with relevant information;

*Resolved*, That it is the sense of the Senate that:

(1) a primary objective of U.S. policy toward Cambodia should be the establishment of an international tribunal for the prosecution those responsible for the Cambodian genocide;

(2) in compliance with the Cambodian Genocide Justice Act and the objectives stated above, the President should immediately deem it appropriate to encourage the establishment of an international criminal tribunal for the prosecution of such members of the Khmer Rouge;

(3) in further compliance with the Cambodian Genocide Justice Act, the United States should support efforts to bring members of the Khmer Rouge—including Pol Pot—to justice for their crimes against humanity before an international tribunal, including providing that tribunal with any information available on such members' involvement in the Cambodian genocide;

(4) the Secretary of State should encourage all Member countries of the Association of Southeast Asian Nations, the People's Republic of China, Japan and other interested countries to support such a tribunal.

Mr. ROTH. Mr. President, I rise today on behalf of myself, Mr. THOMAS, Mrs. FEINSTEIN, and Mr. GRAMS to a sense-of-the-Senate resolution that the Khmer Rouge and other participants in the Cambodian genocide should be brought to justice before an international tribunal.

Just a couple of months ago, we witnessed the grotesque spectacle of a Khmer Rouge show trial of Pol Pot, the Leader of the Khmer Rouge during its genocidal reign in the 1970's. In July, Cambodian People's Party leader and Second Prime Minister Hun Sen staged a bloody coup against the First Prime Minister and leader of the FUNCINPEC Party, Norodom Ranariddh.

Hun Sen has claimed the coup was necessary because Norodom Ranariddh was attempting to gain Khmer Rouge support for his party.

Norodom Ranariddh, on the other hand, has labeled Hun Sen's allegations a false pretext for the coup. Norodom Ranariddh has also asserted that Hun Sen fears an international tribunal on the Cambodian genocide would implicate Hun Sen for atrocities he committed during his tenure as a senior Khmer Rouge official.

Finally, troops loyal to Norodom Ranariddh now appear to have formed a military alliance with troops loyal to the Khmer Rouge leadership, thus reinforcing the fears of the Cambodia people that the Khmer Rouge will use any means necessary to regain power.

These events and the assertions of the two Prime Ministers demonstrate that while the Khmer Rouge have been weakened since the Paris Peace Accords of 1991, they remain central to the continuing conflict in Cambodia. Recent events also demonstrate that the objectives of bringing peace, democracy, national reconciliation, and the rule of law to Cambodia are likely to remain out of reach until the Khmer Rouge are brought to justice.

What this resolution does, Mr. President, is make it clear that an international tribunal is essential if we are to achieve these objectives. It also points out that before the coup and before their allegations against one another about their respective involvement with the Khmer Rouge, Norodom Ranariddh and Hun Sen wrote a joint letter to U.N. Secretary-General Kofi Annan asking for U.N. assistance in convening such a tribunal.

We should take them up on their request because removing the Khmer Rouge as a military and political force in Cambodia is essential if we are to avoid another slide toward authoritarianism and war. I believe an international tribunal will also prevent the Khmer Rouge from succeeding in their transparent attempt to emerge as a legitimate political force in Cambodia. Indeed, at the show trial of Pol Pot they staged, the Khmer Rouge loudly proclaimed their support for liberal democracy. Other members of the Khmer Rouge have been promoting the National Solidarity Party to give

Khmer Rouge a legitimate voice in Cambodian politics.

According to the Yale Cambodian Genocide project, the principal organization documenting atrocities committed by the Khmer Rouge, such a tribunal "would soon return indictments against all or most of the current Khmer Rouge leadership.

Mr. President, the Cambodian tragedy will never end until the Khmer Rouge are brought to justice. I offer this resolution to move us closer to that goal and to demonstrate this body's continued interest in the development of a free, democratic, and peaceful Cambodia.

#### SENATE RESOLUTION 125—COM- MENDING THE REPRESENTATIVE OF THE TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVES OFFICE IN THE UNITED STATES

Mr. MURKOWSKI (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

#### S. RES. 125

Whereas Dr. Jason C. Hu has served with distinction as Representative of the Taipei Economic and Cultural Representative Office (TECRO) since June 1996, and has ably represented the interests of the Republic of China on Taiwan;

Whereas Dr. Hu has been a firm and consistent advocate to democratic principles throughout his distinguished career;

Whereas Dr. Hu has established many deep friendships with Members of Congress and other Americans during his tenure in Washington; and

Whereas Dr. Hu has been asked to return to Taiwan to serve as the Minister of Foreign Affairs of the Republic of China: Now, therefore, be it

*Resolved by the Senate, That the Senate hereby—*

(1) commends Dr. Jason C. Hu for his service as Representatives of the TECRO office; and

(2) expresses to Dr. Hu and his family its best wishes for his continued success in the future.

#### AMENDMENTS SUBMITTED

#### THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

#### FAIRCLOTH (AND BOXER) AMENDMENT NO. 1248

Mr. FAIRCLOTH (for himself and Mrs. BOXER) proposed an amendment to the bill (S. 1156) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 2, strike all after the word "Authority" on line 11, to the end of line 12.

On page 2, line 22, before the colon, insert: "which shall be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority, which shall allocate the

funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year".

On page 4, line 4, strike "\$116,000,000" and insert in lieu thereof "\$103,000,000".

On page 4, line 15, strike "\$30,000,000" and insert in lieu thereof "\$43,000,000".

On page 29, strike all after "the" on line 16, to the end of line 25, and insert: "District of Columbia Financial Responsibility and Management Assistance Authority (Authority). Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans."

On page 33, strike all after "Financial" on line 19, and insert: "Responsibility and Management".

On page 41, strike all after "(B)" on line 24, through "\$129,946,000" on line 25, and insert: "\$4,811,906,000 (of which \$118,269,000)".

On page 42, line 16, after "Assistance," insert: "Authority".

On page 17, after the period on line 25, insert:

#### CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), \$3,332,000 from other funds.

#### COATS (AND OTHERS) AMENDMENT NO. 1249

Mr. COATS for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. ASHCROFT, Mr. COVERDELL, and Mr. GREGG) proposed an amendment to the bill, S. 1156, supra; as follows:

At the end, insert the following:

#### TITLE —STUDENT OPPORTUNITY SCHOLARSHIPS

##### SEC. 01. SHORT TITLE; FINDINGS; PRECEDENTS.

(a) SHORT TITLE.—This title may be cited as the "District of Columbia Student Opportunity Scholarship Act of 1997".

(b) FINDINGS.—Congress makes the following findings:

(1) Public education in the District of Columbia is in a crisis, as evidenced by the following:

(A) The District of Columbia schools have the lowest average of any school system in the Nation on the National Assessment of Education Progress.

(B) 72 percent of fourth graders in the District of Columbia tested below basic proficiency on the National Assessment of Education Progress in 1994.

(C) Since 1991, there has been a net decline in the reading skills of District of Columbia students as measured in scores on the standardized Comprehensive Test of Basic Skills.

(D) At least 40 percent of District of Columbia students drop out of or leave the school system before graduation.

(E) The National Education Goals Panel reported in 1996 that both students and teachers in District of Columbia schools are subjected to levels of violence that are twice the national average.

(F) Nearly two-thirds of District of Columbia teachers reported that violent student behavior is a serious impediment to teaching.

(G) Many of the District of Columbia's 152 schools are in a state of terrible disrepair, including leaking roofs, bitterly cold classrooms, and numerous fire code violations.

(2) Significant improvements in the education of educationally deprived children in the District of Columbia can be accomplished by—

(A) increasing educational opportunities for the children by expanding the range of educational choices that best meet the needs of the children;

(B) fostering diversity and competition among school programs for the children;

(C) providing the families of the children more of the educational choices already available to affluent families; and

(D) enhancing the overall quality of education in the District of Columbia by increasing parental involvement in the direction of the education of the children.

(3) The 350 private schools in the District of Columbia and the surrounding area offer a more safe and stable learning environment than many of the public schools.

(4) Costs are often much lower in private schools than corresponding costs in public schools.

(5) Not all children are alike and therefore there is no one school or program that fits the needs of all children.

(6) The formation of sound values and moral character is crucial to helping young people escape from lives of poverty, family break-up, drug abuse, crime, and school failure.

(7) In addition to offering knowledge and skills, education should contribute positively to the formation of the internal norms and values which are vital to a child's success in life and to the well-being of society.

(8) Schools should help to provide young people with a sound moral foundation which is consistent with the values of their parents. To find such a school, parents need a full range of choice to determine where their children can best be educated.

(c) PRECEDENTS.—The United States Supreme Court has determined that programs giving parents choice and increased input in their children's education, including the choice of a religious education, do not violate the Constitution. The Supreme Court has held that as long as the beneficiary decides where education funds will be spent on such individual's behalf, public funds can be used for education in a religious institution because the public entity has neither advanced nor hindered a particular religion and therefore has not violated the establishment clause of the first amendment to the Constitution. Supreme Court precedents include—

(1) *Wisconsin v. Yoder*, 406 U.S. 205 (1972); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); and *Meyer v. Nebraska*, 262 U.S. 390 (1923) which held that parents have the primary role in and are the primary decision makers in all areas regarding the education and upbringing of their children;

(2) *Mueller v. Allen*, 463 U.S. 388 (1983) which declared a Minnesota tax deduction program that provided State income tax benefits for educational expenditures by parents, including tuition in religiously affiliated schools, does not violate the Constitution;

(3) *Witters v. Department of Services for the Blind*, 474 U.S. 481 (1986) in which the Supreme Court ruled unanimously that public funds for the vocational training of the blind could be used at a Bible college for ministry training; and

(4) *Zobrest v. Catalina Foothills School District*, 509 U.S. 1 (1993) which held that a deaf child could receive an interpreter, paid for by the public, in a private religiously affiliated school under the Individual with Disabilities Education Act (20 U.S.C. 1400 et seq.). The case held that providing an interpreter in a religiously affiliated school did not violate the establishment clause of the first amendment of the Constitution.

##### SEC. 02. DEFINITIONS.

As used in this title—

(1) the term "Board" means the Board of Directors of the Corporation established under section 03(b)(1);

(2) the term "Corporation" means the District of Columbia Scholarship Corporation established under section 03(a);

(3) the term "eligible institution"—

(A) in the case of an eligible institution serving a student who receives a tuition scholarship under section 04(c)(1), means a public, private, or independent elementary or secondary school; and

(B) in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section 04(c)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student's achievement through instruction described in section 04(c)(2);

(4) the term "parent" includes a legal guardian or other person standing in loco parentis; and

(5) the term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

##### SEC. 03. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

###### (a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the "District of Columbia Scholarship Corporation", which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this title, and to determine student and school eligibility for participation in such program.

(3) CONSULTATION.—The Corporation shall exercise its authority—

(A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and

(B) in consultation with the District of Columbia Board of Education or entity exercising administrative jurisdiction over the District of Columbia Public Schools, the Superintendent of the District of Columbia Public Schools, and other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Non-profit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(6) FUND.—There is established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(7) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is made.

(8) AVAILABILITY.—Funds authorized to be appropriated under this title shall remain available until expended.

(9) USES.—Funds authorized to be appropriated under this title shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(10) AUTHORIZATION.—

(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

- (i) \$7,000,000 for fiscal year 1998;
- (ii) \$8,000,000 for fiscal year 1999; and
- (iii) \$10,000,000 for each of fiscal years 2000 through 2002.

(B) LIMITATION.—Not more than 7.5 percent of the amount appropriated to carry out this title for any fiscal year may be used by the Corporation for salaries and administrative costs.

(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.—

(1) BOARD OF DIRECTORS; MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this title as the "Board"), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the Majority Leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the Majority Leader of the Senate in consultation with the Minority Leader of the Senate.

(D) DEADLINE.—The Speaker of the House of Representatives and Majority Leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 member of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this title, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members of the Board to be the Chairperson of the Board.

(4) RESIDENCY.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to

establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(7) GENERAL TERM.—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board's power, but shall be filled in a manner consistent with this title.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS OR EMPLOYEES.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this title, shall be provided a stipend. Such stipend shall be at the rate of \$150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of \$5,000.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG-16 of the Educational Service of the District of Columbia, to be fixed by the Board.

(2) STAFF.—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

(3) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

(4) SERVICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out this title.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The financial statements of the Corporation shall be—

(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

(B) audited annually by independent certified public accountants.

(2) REPORT.—The report for each such audit shall be included in the annual report to Congress required by section 11(c).

(f) ADMINISTRATIVE RESPONSIBILITIES.—

(1) SCHOLARSHIP APPLICATION SCHEDULE AND PROCEDURES.—Not later than 30 days after the initial Board is appointed and the first Executive Director of the Corporation is hired under this title, the Corporation shall implement a schedule and procedures for processing applications for, and awarding, student scholarships under this title. The schedule and procedures shall include establishing a list of certified eligible institutions, distributing scholarship information to parents and the general public (including through a newspaper of general circulation), and establishing deadlines for steps in the scholarship application and award process.

(2) INSTITUTIONAL APPLICATIONS AND ELIGIBILITY.—

(A) IN GENERAL.—An eligible institution that desires to participate in the scholarship program under this title shall file an application with the Corporation for certification for participation in the scholarship program under this title that shall—

(i) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subparagraph (C);

(ii) contain an assurance that the eligible institution will comply with all applicable requirements of this title;

(iii) contain an annual statement of the eligible institution's budget; and

(iv) describe the eligible institution's proposed program, including personnel qualifications and fees.

(B) CERTIFICATION.—

(i) IN GENERAL.—Except as provided in subparagraph (C), not later than 60 days after receipt of an application in accordance with subparagraph (A), the Corporation shall certify an eligible institution to participate in the scholarship program under this title.

(ii) CONTINUATION.—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with subparagraph (D).

(C) NEW ELIGIBLE INSTITUTION.—

(i) IN GENERAL.—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this title for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

(I) a list of the eligible institution's board of directors;

(II) letters of support from not less than 10 members of the community served by such eligible institution;

(III) a business plan;

(IV) an intended course of study;

(V) assurances that the eligible institution will begin operations with not less than 25 students;

(VI) assurances that the eligible institution will comply with all applicable requirements of this title; and

(VII) a statement that satisfies the requirements of clauses (ii) and (iv) of subparagraph (A).

(ii) CERTIFICATION.—Not later than 60 days after the date of receipt of an application described in clause (i), the Corporation shall certify in writing the eligible institution's provisional certification to participate in

the scholarship program under this title unless the Corporation determines that good cause exists to deny certification.

(iii) **RENEWAL OF PROVISIONAL CERTIFICATION.**—After receipt of an application under clause (i) from an eligible institution that includes a statement of the eligible institution's budget completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this title unless the Corporation finds—

(I) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this title and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(iv) **DENIAL OF CERTIFICATION.**—If provisional certification or renewal of provisional certification under this subsection is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

(D) **REVOCAION OF ELIGIBILITY.**—

(i) **IN GENERAL.**—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this title for a year succeeding the year for which the determination is made for—

(I) good cause, including a finding of a pattern of violation of program requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this title and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(ii) **EXPLANATION.**—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of the Corporation's decision to such eligible institution and require a pro rata refund of the proceeds of the scholarship funds received under this title.

(3) **PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.**—

(A) **REQUIREMENTS.**—Each eligible institution participating in the scholarship program under this title shall—

(i) provide to the Corporation not later than June 30 of each year the most recent annual statement of the eligible institution's budget; and

(ii) charge a student that receives a scholarship under this title not more than the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the District of Columbia and enrolled in such eligible institution.

(B) **COMPLIANCE.**—The Corporation may require documentation of compliance with the requirements of subparagraph (A), but neither the Corporation nor any governmental entity may impose requirements upon an eligible institution as a condition for participation in the scholarship program under this title, other than requirements established under this title.

#### SEC. 04. SCHOLARSHIPS AUTHORIZED.

(a) **ELIGIBLE STUDENTS.**—The Corporation is authorized to award tuition scholarships under subsection (c)(1) and enhanced achievement scholarships under subsection (c)(2) to students in kindergarten through grade 12—

(1) who are residents of the District of Columbia; and

(2) whose family income does not exceed 185 percent of the poverty line.

(b) **SCHOLARSHIP PRIORITY.**—

(1) **FIRST.**—The Corporation first shall award scholarships to students described in subsection (a) who—

(A) are enrolled in a District of Columbia public school or preparing to enter a District of Columbia public kindergarten, except that this subparagraph shall apply only for academic years 1997–1998, 1998–1999, and 1999–2000; or

(B) have received a scholarship from the Corporation for the academic year preceding the academic year for which the scholarship is awarded.

(2) **SECOND.**—If funds remain for a fiscal year for awarding scholarships after awarding scholarships under paragraph (1), the Corporation shall award scholarships to students who are described in subsection (a), not described in paragraph (1), and otherwise eligible for a scholarship under this title.

(3) **LOTTERY SELECTION.**—The Corporation shall award scholarships to students under this subsection using a lottery selection process whenever the amount made available to carry out this title for a fiscal year is insufficient to award a scholarship to each student who is eligible to receive a scholarship under this title for the fiscal year.

(c) **USE OF SCHOLARSHIP.**—

(1) **TUITION SCHOLARSHIPS.**—A tuition scholarship may be used for the payment of the cost of the tuition and mandatory fees for, and transportation to attend, an eligible institution located within the geographic boundaries of the District of Columbia; Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; Fairfax City, Virginia; or Fairfax County, Virginia.

(2) **ENHANCED ACHIEVEMENT SCHOLARSHIP.**—An enhanced achievement scholarship may be used only for the payment of the costs of tuition and mandatory fees for, and transportation to attend, a program of instruction provided by an eligible institution which enhances student achievement of the core curriculum and is operated outside of regular school hours to supplement the regular school program.

(e) **NOT SCHOOL AID.**—A scholarship under this title shall be considered assistance to the student and shall not be considered assistance to an eligible institution.

#### SEC. 05. SCHOLARSHIP AWARDS.

(a) **AWARDS.**—From the funds made available under this title, the Corporation shall award a scholarship to a student and make scholarship payments in accordance with section 06.

(b) **NOTIFICATION.**—Each eligible institution that receives the proceeds of a scholarship payment under subsection (a) shall notify the Corporation not later than 10 days after—

(1) the date that a student receiving a scholarship under this title is enrolled, of the name, address, and grade level of such student;

(2) the date of the withdrawal or expulsion of any student receiving a scholarship under this title, of the withdrawal or expulsion; and

(3) the date that a student receiving a scholarship under this title is refused admission, of the reasons for such a refusal.

(c) **TUITION SCHOLARSHIP.**—

(1) **EQUAL TO OR BELOW POVERTY LINE.**—For a student whose family income is equal to or below the poverty line, a tuition scholarship may not exceed the lesser of—

(A) the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) \$3,200 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban con-

sumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(2) **ABOVE POVERTY LINE.**—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, a tuition scholarship may not exceed the lesser of—

(A) 75 percent of the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) \$2,400 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(d) **ENHANCED ACHIEVEMENT SCHOLARSHIP.**—An enhanced achievement scholarship may not exceed the lesser of—

(1) the costs of tuition and mandatory fees for, and transportation to attend, a program of instruction at an eligible institution; or

(2) \$500 for 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

#### SEC. 06. SCHOLARSHIP PAYMENTS.

(a) **PAYMENTS.**—The Corporation shall make scholarship payments to the parent of a student awarded a scholarship under this title.

(b) **DISTRIBUTION OF SCHOLARSHIP FUNDS.**—Scholarship funds may be distributed by check, or another form of disbursement, issued by the Corporation and made payable directly to a parent of a student awarded a scholarship under this title. The parent may use the scholarship funds only for payment of tuition, mandatory fees, and transportation costs as described in this title.

(c) **PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.**—If a student receiving a scholarship under this title withdraws or is expelled from an eligible institution after the proceeds of a scholarship is paid to the eligible institution, then the eligible institution shall refund to the Corporation on a pro rata basis the proportion of any such proceeds received for the remaining days of the school year. Such refund shall occur not later than 30 days after the date of the withdrawal or expulsion of the student.

#### SEC. 07. CIVIL RIGHTS.

(a) **IN GENERAL.**—An eligible institution participating in the scholarship program under this title shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this title.

(b) **APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.**—

(1) **APPLICABILITY.**—With respect to discrimination on the basis of sex, subsection (a) shall not apply to an eligible institution that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the eligible institution.

(2) **CONSTRUCTION.**—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to require any person, or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion. Nothing in the preceding sentence shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

(3) **SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.**—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from

choosing, or an eligible institution from offering, a single-sex school, class, or activity.

(c) **REVOCACTION.**—Notwithstanding section 03(f)(2)(D), if the Corporation determines that an eligible institution participating in the scholarship program under this title is in violation of subsection (a), then the Corporation shall revoke such eligible institution's certification to participate in the program.

#### SEC. 08. CHILDREN WITH DISABILITIES.

Nothing in this title shall affect the rights of students, or the obligations of the District of Columbia public schools, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

#### SEC. 09. RULE OF CONSTRUCTION.

(a) **IN GENERAL.**—Nothing in this title shall be construed to prevent any eligible institution which is operated by, supervised by, controlled by, or connected to, a religious organization from employing, admitting, or giving preference to, persons of the same religion to the extent determined by such institution to promote the religious purpose for which the eligible institution is established or maintained.

(b) **SECTARIAN PURPOSES.**—Nothing in this title shall be construed to prohibit the use of funds made available under this title for sectarian educational purposes, or to require an eligible institution to remove religious art, icons, scripture, or other symbols.

#### SEC. 10. REPORTING REQUIREMENTS.

(a) **IN GENERAL.**—An eligible institution participating in the scholarship program under this title shall report to the Corporation not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Student achievement in the eligible institution's programs.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families of scholarship students.

(6) Student attendance for scholarship and nonscholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules at the eligible institution.

(8) Number of scholarship students enrolled.

(9) Such other information as may be required by the Corporation for program appraisal.

(b) **CONFIDENTIALITY.**—No personal identifiers may be used in such report, except that the Corporation may request such personal identifiers solely for the purpose of verification.

#### SEC. 11. PROGRAM APPRAISAL.

(a) **STUDY.**—Not later than 4 years after the date of enactment of this Act, the Comptroller General shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for an independent evaluation of the scholarship program under this title, including—

(1) a comparison of test scores between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(2) a comparison of graduation rates between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(3) the satisfaction of parents of scholarship students with the scholarship program; and

(4) the impact of the scholarship program on the District of Columbia public schools, including changes in the public school enrollment, and any improvement in the academic performance of the public schools.

(b) **PUBLIC REVIEW OF DATA.**—All data gathered in the course of the study described in subsection (a) shall be made available to the public upon request except that no personal identifiers shall be made public.

(c) **REPORT TO CONGRESS.**—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate committees of Congress. Such report shall include a review of how scholarship funds were expended, including the initial academic achievement levels of students who have participated in the scholarship program.

(d) **AUTHORIZATION.**—There are authorized to be appropriated for the study described in subsection (a), \$250,000, which shall remain available until expended.

#### SEC. 12. JUDICIAL REVIEW.

(a) **JURISDICTION.**—

(1) **IN GENERAL.**—The United States District Court for the District of Columbia shall have jurisdiction in any action challenging the constitutionality of the scholarship program under this title and shall provide expedited review.

(2) **STANDING.**—The parent of any student eligible to receive a scholarship under this title shall have standing in an action challenging the constitutionality of the scholarship program under this title.

(b) **APPEAL TO SUPREME COURT.**—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States.

#### SEC. 13. EFFECTIVE DATE.

This title shall be effective for each of the fiscal years 1998 through 2002.

On page 3, line 3, strike "\$30,000,000" and insert "\$23,000,000".

On page 3, line 4, before the period insert "Provided further, That \$7,000,000 of the funds made available under this heading shall be used to carry out the District of Columbia Student Opportunity Scholarship Act of 1997".

#### WYDEN (AND GRASSLEY) AMENDMENT NO. 1250

Mr. WYDEN (for himself and Mr. GRASSLEY) proposed an amendment to the bill, S. 1156, *supra*; as follows:

At the appropriate place, insert:

#### SEC. 1. ELIMINATING SECRET SENATE "HOLDS."

(a) **STANDING ORDER.**—It is a standing order of the Senate that a Senator who provides notice to leadership of his or her intention to object to proceeding to a motion or matter shall disclose the objection (hold) in the Congressional Record not later than 2 session days after the date of said notice.

#### NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, October 1, 1997, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 940 to provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway; and H.R. 765 to ensure the maintenance of a herd of wild horses in Cape Lookout National Seashore.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224-5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, October 8, 1997, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1064 to amend the Alaska National Interest Lands Conservation Act to more effectively manage visitor service and fishing activity in Glacier Bay National Park and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole of the committee staff at (202) 224-5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, October 9, 1997, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.