information regarding the marketing of cattle, swine, lambs, and products of such livestock, and for other purposes (Rept. No. 106–168).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, for the Committee on the Judiciary:

Robert Raben, of Florida, to be an Assistant Attorney General, vice Andrew Fois, resigned.

Robert S. Mueller, III, of California, to be United States Attorney for the Northern District of California for a term of four years.

John Hollingsworth Sinclair, of Vermont to be United States Marshal for the District of Vermont for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. LOTT for Mr. MCCAIN, for the Committee on Commerce, Science, and Transportation:

Thomas B. Leary, of the District of Columbia, to be a Federal Trade Commissioner for the term of seven years from September 26, 1998.

Stephen D. Van Beek, of the District of Columbia, to be Associate Deputy Secretary of Transportation.

Michael J. Frazier, of Maryland, to be an Assistant Secretary of Transportation, vice Steven O. Palmer.

Gregory Rohde, of North Dakota, to be Assistant Secretary of Commerce for Communications and Information.

Linda Joan Morgan, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2003.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following named officers for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh)David S. Belz, 0000
Rear Adm. (lh)James S. Carmichael, 0000
Rear Adm. (lh)Roy J. Casto, 0000
Rear Adm. (lh)James A. Kinghorn, Jr., 0000
Rear Adm. (lh)Erroll M. Brown, 0000

The following named officers for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Ralph D. Utley, 0000

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicted under Title 10, United States Code, Section 12203:

To be rear admiral

Rear Adm. (lh)Carlton D. Moore, 0000

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicted under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Mary P. O'Donnell, 0000

The following named officer of the United States Coast Guard to be a member of the Permanent Commissioned Teaching Staff of the Coast Guard Academy in the grade indicated under title 14, U.S.C., section 188:

To be lieutenant commander

Kurt A. Sebastian, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Vivien S. Crea, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Kenneth T. Venuto, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. James W. Underwood, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. James C. Olson, 0000

Mr. LOTT for Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably nomination lists which were printed in the RECORDS on the dates indicated at the end of the days Senate proceedings, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

National Oceanic and Atmospheric Administration 83 nominations beginning Donald A. Dreves, and ending Kevin V. Werner, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1999

Coast Guard 42 nominations beginning Ernest J. Fink, and ending William J. Wagner, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CLELAND:

S. 1669. A bill to require country of origin labeling of peanuts and peanut products and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 1670. A bill to revise the boundary of Fort Matanzas National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 1671. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

By Mr. LUGAR:

S. 1672. An original bill to amend the Agricultural Marketing Act of 1946 to establish a program of mandatory market reporting for certain meat packers regarding the prices, quantities, and terms of sale for the procurement of cattle, swine, lambs, and products of such livestock, to improve the collection of information regarding the marketing of cattle, swine, lambs, and products of such livestock, and for other purposes; from the Committee on Agriculture, Nutrition, and Forestry; placed on the calendar.

By Mr. DeWINE (for himself, Mr. HUTCHINSON, Mr. VOINOVICH, Mr. NICKLES, Mr. HELMS, and Mr. ENZI):

S. 1673. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 1674. A bill to promote small schools and smaller learning communities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. REID):

S. 1675. A bill to provide for school dropout prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN:

S. 1676. A bill to improve accountability for schools and local educational agencies under part A of title I of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG (for himself and Mr. HAGEL):

S. 1677. A bill to establish a child centered program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. Res. 192. A resolution extending birthday greetings and best wishes to Jimmy Carter in recognition of his 75th birthday; considered and agreed to.

By Mr. DODD:

S. Res. 193. A resolution to reauthorize the Jacob K. Javits Senate Fellowship Program; considered and agreed to.

By Mr. WYDEN (for himself, Mr. LEAHY, and Mr. BAUCUS):

S. Con. Res. 58. A concurrent resolution urging the United States to seek a global consensus supporting a moratorium on tariffs and on special, multiple and discriminatory taxation of electronic commerce; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CLELAND:

S. 1669. A bill to require country of origin labeling of peanuts and peanut products and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

THE PEANUT LABELING ACT OF 1999

Mr. CLELAND. Mr. President, I am coming to the floor today to introduce the Peanut Labeling Act of 1999. This bill will require country of origin labeling for all peanut and peanut products sold in the United States; specifically

it will require that consumers be notified whether the peanuts are grown in the United States or in another country. The main purpose of this bill is to provide American consumers with information about where the peanuts they purchase are grown. This bill will allow consumers to make informed food choices and support American farmers. And, with the labeling requirement, should a health concern be raised about a specific country's products, such as the Mexican strawberry scare we witnessed a few year's back, consumers would have the information they need to make their own choices about the products they buy at the market.

Family farmers in America are facing dire circumstances. Farmers' ability to grow and sell their products have been severely affected by bad weather conditions, poor market prices, and trade restrictions. This bill allows consumers to help American farmers in the best way that they can—with their food dollar. Consumers are provided with information about the country of origin of a wide range of products, including clothes, appliances and automobiles. It only seems appropriate and fair that consumers should receive the same information about agricultural products, specifically peanuts. In fact, because consumers purchase agricultural products, including peanuts, based on the quality and safety of these items for their families, it seems even more important to provide them with this basic information.

By providing country of origin labels, consumers can determine if peanuts are from a country that has had pesticide or other problems which may be harmful to their health. This is true particularly during a period when food imports are increasing, and will continue to increase in the wake of new trade agreements such as the WTO and GATT. As I previously mentioned, recent outbreaks linked to strawberries in Mexico, and European beef related to ''mad cow disease'' have raised the public's awareness of imported foods and their potential health impacts. Consumers should not have to wait for the same thing to happen with peanuts before they have the information they need to make wise food choices. With the labeling requirement, should such an outbreak occur, consumers would have the information to not only avoid harmful products, but to continue to purchase unaffected ones.

The growth of biotechnology in the food arena necessitates more information in the marketplace. Research is being conducted today on new peanut varieties. These research efforts include seeds that might deter peanut allergies, tolerate more drought, and be more resistant to disease. As various countries use differing technologies, consumers need to be made aware of the source of the product they are purchasing. GAO recently pointed out that FDA only inspected 1.7 percent of 2.7 million shipments of fruit, vegetables, seafood and processed foods under its jurisdiction. Inspections for peanuts can be assumed to be in this range or less. This lack of inspection does not provide consumers of these products with a great deal of assurance.

Another purpose of this bill is to provide consumers with the ability to gain benefit from the investments of their hard earned taxes paid to the U.S. government. The federal government spends a large sum of money on peanut research infrastructure that is by far the most advanced in the world. This research not only increases the productivity of peanut growers, but provides growers with vital information about best management practices, including pesticide and water usage. It assists growers in their efforts to more effectively and efficiently grow a more superior and safer product for American consumers. Consumers should be able to receive a return on this investment by being able to purchase U.S. peanuts.

Polls have shown that consumers in America want to know the origin of the products they buy. And, contrary to the arguments given by opponents of labeling measures that such requirements would drive prices up, consumers have indicated that they would be willing to pay extra for easy access to such information. I believe that this is a pro-consumer bill that will have wide support.

I am also very pleased that peanut growers in America strongly support my proposal. I have endorsement letters for my bill from the Georgia Peanut Commission, the National Peanut Growers Group, the Southern Peanut Farmers Federation, the Alabama Peanut Producers Association, and the Florida Peanut Producers Association.

In conclusion, as my colleagues know, we live in a global economy which creates an international marketplace for our food products. I strongly believe that by providing country of origin labeling for agricultural products, such as peanuts, we not only provide consumers with information they need to make informed choices about the quality of food being served to their family but we also allow American farmers to showcase the time and effort they put into producing the safest and finest food products in the world. I believe this bill represents these principles and I ask my colleagues for their support.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Peanut Labeling Act of 1999''.

SEC. 2. INDICATION OF COUNTRY OF ORIGIN OF PEANUTS AND PEANUT PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) PEANUT PRODUCT.—The term ''peanut product'' means any product more than 3 percent of the retail value of which is derived from peanuts contained in the product.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) NOTICE OF COUNTRY OF ORIGIN REQUIRED.—

(1) IN GENERAL.—Subject to paragraph (2), a retailer of peanuts or peanut products produced in, or imported into, the United States (including any peanut product that contains peanuts that are not produced in the United States) shall inform consumers, at the final point of sale to consumers, of the country of origin of the peanuts or peanut products.

(2) WAIVER.—The Secretary may waive the application of paragraph (1) to a retailer of peanuts or peanut products if the retailer demonstrates to the Secretary it is impracticable for the retailer to determine the country of origin of the peanuts or peanut products.

(c) METHOD OF NOTIFICATION.—

(1) IN GENERAL.—The information required by subsection (b) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the peanuts or peanut products or on the package, display, holding unit, or bin containing the peanuts or peanut products at the final point of sale to consumers.

(2) EXISTING LABELING.—If the peanuts or peanut products are already labeled regarding country of origin by the packer, importer, or another person, the retailer shall not be required to provide any additional information in order to comply with this section.

(d) VIOLATIONS.—If a retailer fails to indicate the country of origin of peanuts or peanut products as required by subsection (b), the Secretary may impose a civil penalty on the retailer in an amount not to exceed—

(1) $1,000 for the first day on which the violation occurs; and

(2) $250 for each day on which the violation continues.

(e) DEPOSIT OF FUNDS.—Amounts collected under subsection (d) shall be deposited in the Treasury of the United States as miscellaneous receipts.

(f) APPLICATION.—This section shall apply with respect to peanuts and peanut products produced in, or imported into, the United States after the date that is 180 days after the date of enactment of this Act.

GEORGIA AGRICULTURAL COMMODITY COMMISSION FOR PEANUTS,
Tifton, GA, September 22, 1999.

Hon. MAX CLELAND,
U.S. Senate, Dirksen Building, Washington, DC.

DEAR SENATOR CLELAND: On behalf of the Georgia Peanut Commission, I strongly support your efforts to introduce the ''Peanut Labeling Act of 1999.'' Origin labeling of peanuts and peanut products is extremely important to our peanut industry in Georgia. It will not only benefit our Georgia growers, but it will be an asset for growers across our nation.

Requiring an origin of label allows our consumers the choice to buy American products. Because our quality and safety standards are among the best, our peanuts and peanut products should be labeled in order to differentiate from other foreign products. The consumer should have information that allows them to discern which peanut and peanut product is best for them.

We support and appreciate your efforts.

Sincerely,

BILLY GRIGGS,
Chairman, Georgia Peanut Commission.

NATIONAL PEANUT GROWERS GROUP,
Gorman, TX, September 22, 1999.

Hon. MAX CLELAND,
U.S. Senate, Dirksen Senate Building, Washington, DC.

DEAR SENATOR CLELAND: The National Peanut Growers Group endorses the ''Peanut Labeling Act of 1999.'' Our group, which consists of grower representation from our peanut producing regions across the nation, fully supports your efforts to introduce this legislation. We believe origin labeling of peanuts and peanut products is vital to our industry's survival. Because our quality and safety standards are the best in the world, our peanuts and peanut products should be labeled in order to differentiate from other foreign products. The consumer should have information that allows them to discern which peanut and peanut product is best for them.

Thank you for your support. We appreciate your efforts to strengthen our peanut industry.

Sincerely,

WILBUR GAMBLE,
Chairman.

SOUTHERN PEANUT
FARMERS FEDERATION,
September 22, 1999.

Hon. MAX CLELAND,
U.S. Senate, Dirksen Senate Building, Washington, DC.

DEAR SENATOR CLELAND: The Southern Peanut Farmers Federation, an alliance of Alabama Peanut Producers Association, Georgia Peanut Commission, and Florida Peanut Producers Association, strongly supports the ''Peanut Labeling Act of 1999.'' We appreciate the opportunity to review the bill, and we believe its enactment will strengthen our peanut industry.

This bill is very important to us for several reasons. First, we believe that like most products made in America, peanuts and peanut products should have a label of origin. Secondly, we believe that by giving American consumers this information, it allows them to buy American products. The numbers of imported peanuts and peanut products continue to rise each year. We believe that by labeling our products, our growers will have a tool that keeps them at a level playing field with the competition. The American consumer will want to purchase products of high quality and that meets stringent safety standards.

The labeling of peanuts and peanut products would alleviate the numbers of peanuts and peanut products coming into the country illegally. Many products are imported into our country without trade restrictions, due to NAFTA, and sold to our American consumer. Yet, some of those peanut products originated from our domestic growers. With a labeling requirement, we would be able to identify whether our exported products are returned to our domestic market. Alleviating this problem would keep our peanut market from being saturated.

The ''Peanut Labeling Act'' is a tremendous step in the right direction for our industry. It is a vital tool that will allow our industry to compete in the future as our country's trade policy is expanded.

Sincerely,

BILLY GRIGGS,
Georgia Peanut Commission.
CARL SANDERS,
Florida Peanut Producers Association.
GREGG HALL,
Alabama Peanut Producers Association.

FLORIDA PEANUT
PRODUCERS ASSOCIATION,
Marianna, FL, September 21, 1999.

Hon. MAX CLELAND,
U.S. Senate, Washington, DC.

DEAR SENATOR CLELAND: The Florida Peanut Producers Association Board of Directors, representing 1,100 peanut farmers in Florida, without reservations, endorse your ''Peanut Labeling Act of 1999''. Mr. Bob Redding of the Redding Firm in Washington has kept our board informed on the language and movement of this bill. We feel strongly that a Peanut Labeling Bill will once again give the American peanut farmer the edge to compete with imported competition. We are convinced the safety and quality of American grown will always be the choice of our consumers, if given a choice by origin labeling.

We appreciate your efforts concerning this issue, as well as your over-all interest in Southern agriculture.

Sincerely,

GREG HALL,
President.
JEFF CRAWFORD, Jr.,
Executive Director.

ALABAMA PEANUT
PRODUCERS ASSOCIATION,
Dothan, AL, September 22, 1999.

To: Senator Max Cleland.
From: H. Randall Griggs.

On behalf of the peanut producers in Alabama, we appreciate your efforts to introduce labeling legislation pertaining to peanuts and peanut products. As the marketplace becomes more globalized, the U.S. industry should be allowed to differentiate itself from other origins. Also, consumers should have the information necessary to choose and know where their food products originate.

Again, we support and appreciate your efforts.

By Mr. ALLARD:

S. 1671. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

CAMPAIGN FINANCE INTEGRITY ACT OF 1999

• Mr. ALLARD. Mr. President, the Senate is again considering campaign finance reform. The problem is that almost every Senator has a different definition of—and goal for—reform. Today I am introducing the ''Campaign Finance Integrity Act.'' I believe this bill can actually be agreed upon by a majority of this body that would want to ensure that we improve the campaign finance system (a nearly universally acknowledged goal) without being unconstitutional and attempting measures that fly in the face of the First Amendment.

Some in Congress have stated that freedom of speech and the desire for healthy campaigns in a healthy democracy are in direct conflict, and that you can't have both. But fortunately for those of us who believe in the First Amendment rights of all American citizens, the founding fathers and the Supreme Court are on our side. They believe, and I believe, that we can have both.

I would hope that celebrating the value of the First Amendment on the floor of the United States Senate is preaching to the choir, as the expression goes, but let me go ahead and do it anyway. Thomas Jefferson repeatedly stated the importance of the First Amendment and how it allows the people and the press the right to speak their minds freely. Jefferson clearly described its significance back in 1798 with, ''One of the amendments to the Constitution * * * expressly declares that 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press,' thereby guarding in the same sentence and under the same words, the freedom of religion, speech, and of the press; insomuch that whatever violates either throws down the sanctuary which covers the others.'' Again in 1808, he stated that ''The liberty of speaking and writing guards our other liberties.'' And in 1823, Jefferson stated, ''The force of public opinion cannot be resisted when permitted freely to be expressed. The agitation it produces must be submitted to.'' Jefferson knew and believed that if we begin restricting what people say, how they say it, and how much they can say, then we deny the first and fundamental freedom given to all Citizens.

The Supreme Court has also been very clear in its rulings concerning campaign finance and the First Amendment. Since the post-Watergate changes to the campaign finance system began, 24 Congressional actions have been declared unconstitutional, with 9 rejections based on the First Amendment. Out of those nine, 4 dealt directly with campaign finance reform laws. In each case, the Supreme Court has ruled that political spending is equal to political speech.

In the now famous decision, or infamous to some, Buckley vs. Valeo, the Court states that, ''The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''

Simply stated, the government cannot ration or regulate political speech of an American through campaign spending limits any more than it can tell the local newspaper how many papers it can print or what it can print. This reinforces Jefferson's statement that to impede one of these rights is to impede all First Amendment rights.

Also, supporters of some of the campaign finance reform bills believe that if we stop the growth of campaign spending and force giveaways of public and private resources then all will be fine with the campaign finance system. The Supreme Court agrees and is again very clear in its intent on campaign spending. The Buckley decision says, ''. . . the mere growth in the cost of federal election campaigns in and of

itself provides no basis for governmental restrictions on the quantity of campaign spending. . . .''

Campaigns are about ideas and expressing those ideas, no matter how great or small the means. The ''distribution of the humblest handbill'' to the ''expensive modes of communication'' are both indispensable instruments of effective political speech. We should not force one sector to freely distribute our political ideas just because it is more expensive than all the other sectors. So no matter how objectionable the cost of campaigns are, the Supreme Court has stated that this is not reason enough to restrict the speech of candidates or any other groups involved in political speech.

We need a campaign finance bill that does not violate the First Amendment, while providing important provisions to open the campaign finances of candidates up to the scrutiny of the American people. I believe the Campaign Finance Integrity Act does that.

My bill would:

Require candidates to raise at least 50 percent of their contributions from individuals in the state or district in which they are running.

Equalize contributions from individuals and political action committees (PACs) by raising the individual limit from $1000 to $2500 and reducing the PAC limit from $5000 to $2500.

Index individual and PAC contribution limits for inflation.

Reduce the influence of a candidate's personal wealth by allowing political party committees to match dollar for dollar the personal contribution of a candidate above $5000.

Require corporations and labor organizations to seek separate, voluntary authorization of the use of any dues, initiative fees or payment as a condition of employment for political activity, and requires annual full disclosure of those activities to members and shareholders.

Prohibit depositing an individual contribution by a campaign unless the individual's profession and employer are reported.

Encourage the Federal Election Commission to allow filing of reports by computers and other emerging technologies and to make that information accessible to the public on the Internet less than 24 hours of receipt.

Ban the use of taxpayer financed mass mailings.

This is common sense campaign finance reform. It drives the candidate back into his district or state to raise money from individual contributions. It has some of the most open, full and timely disclosure requirements of any other campaign finance bill in either the Senate or the House of Representatives. I strongly believe that sunshine is the best disinfectant.

The right of political parties, groups and individuals to say what they want in a political campaign is preserved by the right of the public to know how much they are spending and what they are saying is also recognized. I have great faith that the public can make its own decisions about campaign discourse if it is given full and timely information.

Many of the proponents of other campaign finance bills try to reduce the influence of interests by suppressing their speech. I believe the best ways to reduce the special interests influence is to suppress and reduce the size of government. If the government rids itself of special interest funding and corporate subsidies, then there would be less reason for influence-buying donations.

Objecting to the popular quest of the moment is very difficult for any politician, but turning your back on the First Amendment is more difficult for me. I want campaign finance reform but not at the expense of the First Amendment. My legislation does this. Not everyone will agree with the Campaign Finance Integrity Act, and many of us still disagree on this issue, but the First Amendment is the reason we can disagree and it must be honored here rather than just the Courts.●

By Mr. DEWINE (for himself, Mr. HUTCHINSON, Mr. VOINOVICH, Mr. NICKLES, Mr. HELMS, and Mr. ENZI):

S. 1673. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; to the Committee on the Judiciary.

UNBORN VICTIMS OF VIOLENCE ACT OF 1999

● Mr. DEWINE. Mr. President, today I rise to speak on behalf of unborn children who are the victims of violence. I am here to be their voice; I am here to fight for their rights.

We live in a violent world, Mr. President. Sadly, sometimes—perhaps more often than we realize—even unborn babies are the targets, intended or otherwise, of violent acts. I'll give you some disturbing examples.

In 1996, Airman, Gregory Robbins, and his family were stationed in my home state of Ohio at Wright-Patterson Air Force Base in Dayton. At that time, Mrs. Robbins was more than eight months pregnant with a daughter they named Jasmine. On September 12, 1996, in a fit of rage, Airman Robbins wrapped his fist in a T-shirt (to reduce the chance that he would inflict visible injuries) and savagely beat his wife by striking her repeatedly about the head and abdomen. Fortunately, Mrs. Robbins survived the violent assault. Tragically, however, her uterus ruptured during the attack, expelling the baby into her abdominal cavity, causing Jasmine's death.

Air Force prosecutors sought to prosecute the Airman for Jasmine's death, but neither the Uniform Code of Military Justice nor the Federal code makes criminal such an act which results in the death or injury of an unborn child. The only available federal offense was for the assault on the mother. This was a case in which the only available federal penalty did not fit the crime. So prosecutors bootstrapped the Ohio fetal homicide law to convict Mr. Robbins of Jasmine's death. This case currently is pending appeal, and we do hope that justice will prevail.

Mr. President, if it weren't for the Ohio law that is already in place, there would have been no opportunity to prosecute and punish Airman Robbins for the assault against Baby Jasmine. We need a federal remedy to avoid having to bootstrap state laws and to provide recourse when a violent act occurs during the commission of a federal crime—especially in cases when the state in which the crime occurs does not have a fetal protection law in place. A federal remedy will ensure that crimes against unborn victims are punished.

There are other sickening examples of violence against innocent unborn children, Mr. President. An incident occurred in Arkansas just a few short weeks ago. Nearly nine months pregnant, Shawana Pace of Little Rock was days away from giving birth. She was thrilled about her pregnancy. Her boyfriend, Eric Bullock, however, did not share her joy and enthusiasm. In fact, Eric Bullock wanted the baby to die. So, he hired three thugs to beat Shawana so badly that she would lose the unborn baby.

During the vicious assault against mother and child, one of the hired hitmen allegedly said: ''Your baby is going to die tonight.'' Shawana's baby did die that night. She named the baby Heaven. Mr. President, I am saddened and sickened by the sheer inhumanity and brutality of this act of violence.

Fortunately, the State of Arkansas, like Ohio, passed a fetal protection law, which allows Arkansas prosecutors to charge defendants with murder for the death of a fetus. Under previous law, such attackers could be charged only with crimes against the pregnant woman. As in the case of Baby Jasmine's death in Ohio, but for the Arkansas state law, there would be no remedy—no punishment—for Baby Heaven's brutal murder. The only charge would be assault against the mother.

In the Oklahoma City and World Trade Center bombings—here too—federal prosecutors were able to charge the defendants with the murders of or injuries to the mothers—but not to their unborn babies. Again, federal law currently only criminalizes crimes against born humans. There are no federal provisions for the unborn.

This is wrong.

It is wrong that our federal government does absolutely nothing to criminalize violent acts against unborn children. We must correct this loophole in our law, for it allows criminals to get away with violent acts—and sometimes even murder.

We, as a civilized society, should not—with good conscience—stand for that.

So, today, I am introducing legislation, along with my distinguished colleagues, Senator TIM HUTCHINSON and Senator ABRAHAM, to provide justice for America's unborn victims of violence. Our bill, the Unborn Victims of Violence Act, would hold criminals liable for conduct that harms or kills an unborn child. It would make it a separate crime under the Federal code and the Uniform Code of Military Justice to kill or injure an unborn child during the commission of certain existing federal crimes.

The Unborn Victims of Violence Act would create a separate offense for unborn children—it would acknowledge them as individual victims. Our bill would no longer allow violent acts against unborn babies to be considered victimless crimes. At least twenty-four (24) states already have criminalized harm to unborn victims, and another seven (7) states criminalize the termination of pregnancy.

Mr. President, in November of 1996, a baby, just three months from full-term, was killed in Ohio as a result of road rage. An angry driver forced a pregnant mother's car to crash into a flatbed truck. Because the Ohio Revised Code imposes criminal liability for any violent conduct which terminates a pregnancy of a child in utero, prosecutors successfully tried and convicted the driver for recklessly causing the baby's death. Our bill would make an act of violence like this a federal crime. It would be a simple step, but one with a dramatic effect.

Mr. President, we purposely have drafted this legislation very narrowly. For example, it would not permit the prosecution for any abortion to which a woman consented. It would not permit the prosecution of a woman for any action (legal or illegal) in regard to her unborn child. This legislation would not permit the prosecution for harm caused to the mother or unborn child in the course of medical treatment. And, the bill would not allow for the imposition of the death penalty under this Act.

Mr. President, it is time that we wrap the arms of justice around unborn children and protect them against criminal assailants. Those who violently attack unborn babies are criminals. The federal penalty should fit the crime. I strongly urge my colleagues to join me in support of this legislation. We have an obligation to our unborn children.●

By Mr. BINGAMAN:

S 1674. A bill to promote small schools and smaller learning communities; to the Committee on Health, Education, Labor, and Pensions.

SMALL, SAFE SCHOOLS ACT

By Mr. BINGAMAN (for himself and Mr. REID):

S. 1675. A bill to provide for school drop out prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

NATIONAL DROPOUT PREVENTION ACT OF 1999

By Mr. BINGAMAN:

S. 1676. A bill to improve accountability for schools and local educational agencies under part A of title I of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SCHOOL IMPROVEMENT ACCOUNTABILITY ACT

● Mr. BINGAMAN. Mr. President, last week I introduced two education bills related to raising standards and ensuring accountability for the teachers in our schools. Today, I am pleased to introduce three bills that relate to raising standards and ensuring accountability for the performance of our schools—the Small, Safe Schools Act, the National Dropout Prevention Act and the School Improvement Accountability Act. Next week, I will introduce two bills which relate to raising standards and ensuring accountability for student achievement. All of these bills, which I hope to incorporate into the reauthorization of the Elementary and Secondary Education Act, form the foundation for a comprehensive plan to improve the quality of our public education system. The three bills that I am introducing today focus on improving school performance.

The Small, Safe Schools Act would help to ensure that children have a sense of belonging in their school by providing incentives for the construction of smaller schools and providing resources to create smaller learning communities in existing larger schools. In this way, we can create school environments that keep our children safe and make it easier for them to meet high standards for achievement. Research demonstrates that small schools outperform large schools on every measure of school success.

In the wake of the tragedy at Columbine High School, one of the most important concerns regarding school quality is school safety. Issues of school safety can be effectively addressed by creating smaller schools or smaller learning communities within larger schools. Behavorial problems, including truancy, classroom disruption, vandalism, aggressive behavior, theft, substance abuse and gang participation are all more common in larger schools. Teachers in small schools learn of disagreements between students and can resolve problems before problems become severe. Based on studies of high school violence, researchers have concluded that the first step in ending school violence must be to break through the impersonal atmosphere of large high schools by creating smaller communities of learning within larger structures, where teachers and students can come to know each other well.

School size also can have a critical impact on learning. Small school size improves students grades and test scores. This impact is even greater for ethnic minority and low income students. Small institutional size has been found to be one of the most important factors in creating positive educational outcomes. Studies on school dropout rates show a decrease in the rates as schools get smaller. Students and staff at smaller schools have a stronger sense of personal efficacy, and students take more of the responsibility for their own learning, which includes more individualized and experimental learning relevant to the world outside of school.

Small schools can be created cost effectively. Larger schools can be more expensive because their sheer size requires more administrative support. More importantly, additional bureaucracy translates into less flexibility and innovation. In addition, because small schools have higher graduation rates, costs per graduate are lower than costs per graduate in large schools.

The Small, Safe Schools Act would establish three programs designed to promote and support smaller schools and smaller learning communities within large schools. Schools or LEAs could apply for funds to help develop smaller learning communities within larger schools. The bill also authorizes the Secretary to provide technical assistance to LEAs and schools seeking to create smaller learning communities. In addition, the bill would provide funding for construction and renovation of schools designed to accommodate no more than 350 students in an elementary school, 400 students in a middle school, and 800 students in a high school.

On behalf of myself and Senator REID, I also offer the National Dropout Prevention Act, which is a bill designed to reduce the dropout rate in our nation's schools. While much progress has been made in encouraging more students to complete high school, the nation remains far from its goal of a 90 percent graduation rate for students by 2000. In fact, none of the states with large and diverse student populations have yet come close to this goal, and dropout rates approaching 50 percent are commonplace in some of the most disadvantaged communities during the period from ninth grade to senior year. The bill is based on many of the findings of the National Hispanic Dropout Project, a group of nationally recognized experts assembled during 1996–97 to help find solutions to the high dropout rate among Hispanic and other at-risk students. In addition to widespread misconceptions about why so many students drop out of school and lack of familiarity with proven dropout prevention programs, one of the main factors contributing to the lack of progress in this area is that there is currently no concerted federal effort to provide or coordinate effective and proven dropout prevention programs for at-risk children. In fact, there is currently no federal agency or office that is responsible for the multitude of programs that include dropout prevention as a component.

The Act makes lowering the dropout rate a national priority. Efforts to prevent students from dropping out would be coordinated on the nation level by an Office of Dropout Prevention and Program Completion in the Department of Education. The Office would disseminate best practices and models for effective dropout programs through a national clearinghouse and provide support and recognition to schools engaged in dropout prevention efforts. In addition, this bill provides funds to pay the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs. Funds could be used to implement comprehensive school-wide reforms, create alternative school programs or smaller learning communities. Grant recipients could contract with community-based organizations to assist in implementing necessary services.

The School Improvement Accountability Act, the third bill I am introducing today, sets more rigorous standards for States and LEAs receiving Title I funds by strengthening the accountability provisions in Title I. The Title I program provides supplemental services to disadvantaged students and schools with high concentrations of disadvantaged students. These students and these schools are often short-changed by our educational system. The bill seeks to ensure that all schools are often short-changed by our educational system. The bill seeks to ensure that all schools receiving Title I funding achieve realistic goals for student achievement and that all students reach those goals, narrowing existing achievement gaps. Recipients will be required to set goals for student achievement which will result in all students (in Title I schools) passing state tests at a ''proficiency'' standard within 10 years of reauthorization. The bill also requires States, LEAs and schools to focus on elimination of the achievement gap between LEP, disabled & low-income students and other students and to ensure inclusion of all students in state assessments.

The bill also modifies the corrective action section of the bill, which is the section that is triggered when schools identified as being in need of improvement, have not made sufficient gains towards the goals set out in the schools Title I plan. The School Improvement Accountability act would require schools failing to meet standards must take one of three actions affecting personnel and/or management of the schools: (1) decreasing decision-making authority at the school level; (2) reconstituting the school staff; or (3) eliminating the use of noncredentialed staff. Students in failing schools also would have a right to transfer to a school which is not failing.

In order to ensure equal educational opportunities for all our children, we must ensure that schools are safe, welcoming places. We also must ensure that students in danger of dropping out of school are not lost, but instead graduate high school with the skills that they need to be productive members of our society. We must provide special support to students with greater obstacles to learning, such as disadvantaged students, students whose first language is not English, and disabled students. We must ensure that schools serving these students can provide high quality educational programs and that those schools are held accountable for the success of all students. The bills I offer today will do much to achieve these goals. I hope that my colleagues will support these efforts.●

By Mr. GREGG (for himself and Mr. HAGEL):

S. 1677. A bill to establish a child centered program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

CHILD CENTERED PROGRAM ESTABLISHMENT LEGISLATION

● Mr. GREGG. Mr. President, today I am joined with Senator HAGEL in introducing a bill to allow States and schools districts to switch Title I of the Elementary and Secondary Education from a school-based to a child-based program.

We will soon take up the reauthorization of the Elementary and Secondary Education Act. The centerpiece of which is Title I which was created in 1965 to provide extra educational assistance to low-income students. Since its inception, Title I has grown into the largest federal education program for elementary and secondary school students with funding, in this year alone, at $7.7 billion.

Unfortunately, after more than 30 years and expenditures of $118 billion, national evaluations indicate that Title I has failed to achieve its primary aim of reducing the achievement gap between advantaged and disadvantaged students.

Reading scores in 1998 showed that only 6 States made progress in narrowing the gap between White and African American students and just 3 made progress narrowing the gap between White and Hispanic students. While the gap actually grew in 16 States. In math, nine year olds in high poverty schools remain 2 grade levels behind students in low-poverty schools.

In reading, nine year old students in high poverty schools remain 3 to 4 grade levels behind students in low poverty schools. Seventy percent of children in high poverty schools score below even the most basic level of reading. Two out of every three African American and Hispanic 4th graders can barely read.

It is time to take a fresh look at this important program to ensure that our neediest students are receiving the services they need. We must provide enough flexibility in Title I for students to receive high quality supplemental educational services, wherever those services are offered.

In order to enable needy students to access high quality supplemental services, States and school districts should be given the opportunity to transform Title I from a school-based program to a child-centered program. Which is exactly what my bill does. Let me explain.

Currently, Title I dollars are sent to States, then distributed to school districts, and ultimately to schools—this is known as a school-based program. Aid goes to the school, rather than directly to the eligible child.

This process of sending dollars to districts and schools rather than students has a serious unintended consequence—millions of eligible children never receive the educational services promised to them by this program.

To make matters worse, even schools which have been identified by their States and communities as chronic poor performers continue to receive Title I dollars, despite that fact that well over one-third of eligible children (about 4 million children) receive no services.

Today, 4 million children generate Title I revenue for their school district, but never receive Title I services; despite the fact that the school district received federal funds to provide supplemental educational services to those very children.

We should not continue the practice of sustaining failed schools at the expense of our nation's children.

The very serious problem of under serving our neediest students can be alleviated by giving States and school districts the ability to focus their efforts by directly serving Title I eligible students through a child-centered program.

This bill permits interested States and school districts to use Title I dollars to create a child-centered program.

Here is how it would work. Interested states and school districts could use their Title I dollars to establish a per pupil amount for each eligible child—any child between the ages of 5–17 from a family at or below the poverty line. The per pupil amount would then follow the child to the school they attend. The per pupil amount would be used to provide supplemental educational (''add-on'' or ''extra'') services to meet the individual educational needs of children participating in the program.

Since some schools continue to fail to provide high quality educational services to their neediest students, students could use their per-pupil amount to receive supplemental educational (''add-on'') services from either their school or a tutorial assistance provider, be that a Sylvan learning center, a charter school or a private school. The idea behind this provision is to allow parents to use their per-pupil amount to purchase extra tutorial assistance for before or after school.

There are numerous benefits to turning Title I into a child-centered program. It increases the number of disadvantaged children served by Title I. It ensures that federal dollars generated by a particular student actually

benefit that student. It rewards good schools and penalizes failing schools, as children would have the option to go the schools that best meet their needs and take their Title I money with them. A child-centered program decreases the practice of financially rewarding schools that consistently fail to provide a high quality education to their students. And, it ensures that students who are stuck in a bad school have access to educational services outside the school, by permitting parents to use their child's per-pupil allotment for tutorial assistance.

In short, this bill creates a much-needed market for change in that it gives families the ability to take their federal dollars out of a school that is not using them effectively and purchase services somewhere else. Families are empowered and schools are compelled to improve in order to keep their students.

I urge my colleagues to cosponsor this bill. Turning Title I into a child-centered program puts Title I back on the right track, focusing on what is best for the child first and foremost.

I ask that it be printed in the RECORD.

The bill follows:

S. 1677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF THE CHILD CENTERED PROGRAM.

Part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"Subpart 3—Child Centered Program

"SEC. 1131. DEFINITIONS.

''In this subpart:

''(1) ELIGIBLE CHILD.—The term 'eligible child' means a child who—

''(A) is eligible to be counted under section 1124(c); or

''(B)(i) the State or participating local educational agency elects to serve under this subpart; and

''(ii) is a child eligible to be served under this part pursuant to section 1115(b).

''(2) PARTICIPATING LOCAL EDUCATIONAL AGENCY.—The term 'participating local educational agency' means a local educational agency that elects under section 1133(b) to carry out a child centered program under this subpart.

''(3) SCHOOL.—The term 'school' means an institutional day or residential school that provides elementary or secondary education, as determined under State law, except that such term does not include any school that provides education beyond grade 12.

''(4) SUPPLEMENTAL EDUCATION SERVICES.—The term 'supplemental education services' means educational services intended—

''(A) to meet the individual educational needs of eligible children; and

''(B) to enable eligible children to meet challenging State curriculum, content, and student performance standards.

''(5) TUTORIAL ASSISTANCE PROVIDERS.—The term 'tutorial assistance provider' means a public or private entity that—

''(A) has a record of effectiveness in providing tutorial assistance to school children; or

''(B) uses instructional practices based on scientific research.

"SEC. 1132. CHILD CENTERED PROGRAM FUNDING.

''(a) FUNDING.—Notwithstanding any other provision of law, each State or participating local educational agency may use the funds made available under subparts 1 and 2, and shall use the funds made available under subsection (c), to carry out a child centered program under this subpart.

''(b) PARTICIPATING LOCAL EDUCATIONAL AGENCY ELECTION.—

''(1) IN GENERAL.—If a State does not carry out a child centered program under this subpart or does not have an application approved under section 1134 for a fiscal year, a local educational agency in the State may elect to carry out a child centered program under this subpart, and the Secretary shall provide the funds that the local educational agency (with an application approved under section 1134) is eligible to receive under subparts 1 and 2, and subsection (c), directly to the local educational agency to enable the local educational agency to carry out the child centered program.

''(2) SUBMISSION APPROVAL.—In order to be eligible to carry out a child centered program under this subpart a participating local educational agency shall obtain from the State approval of the submission, but not the contents, of the application submitted under section 1134.

''(c) INCENTIVE GRANTS.—

''(1) IN GENERAL.—From amounts appropriated under paragraph (3) for a fiscal year the Secretary shall award grants to each State, or participating local educational agency described in subsection (b), that elects to carry out a child centered program under this subpart and has an application approved under section 1134, to enable the State or participating local educational agency to carry out the child centered program.

''(2) AMOUNT.—Each State or participating local educational agency that elects to carry out a child centered program under this subpart and has an application approved under section 1134 for a fiscal year shall receive a grant in an amount that bears the same relation to the amount appropriated under paragraph (3) for the fiscal year as the amount the State or participating local educational agency received under subparts 1 and 2 for the fiscal year bears to the amount all States and participating local educational agencies carrying out a child centered program under this subpart received under subparts 1 and 2 for the fiscal year.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection for fiscal year 2000 and each of the 4 succeeding fiscal years.

"SEC. 1133. CHILD CENTERED PROGRAM REQUIREMENTS.

''(a) USES.—Each State or participating local educational agency with an application approved under section 1134 shall use funds made available under subparts 1 and 2, and subsection (c), to carry out a child centered program under which—

''(1) the State or participating local educational agency establishes a per pupil amount based on the number of eligible children in the State or the school district served by the participating local educational agency; and

''(2) the State or participating local educational agency may vary the per pupil amount to take into account factors that may include—

''(A) variations in the cost of providing supplemental education services in different parts of the State or the school district served by the participating local educational agency;

''(B) the cost of providing services to pupils with different educational needs; or

''(C) the desirability of placing priority on selected grades; and

''(3) in the case of a child centered program for eligible children at a public school, the State or the participating local educational agency makes available, not later than 3 months after the beginning of the school year, the per pupil amount determined under paragraphs (1) and (2) to the school in which an eligible child is enrolled, which per pupil amount shall be used for supplemental education services for the eligible child that are—

''(A) subject to subparagraph (B), provided by the school directly or through a contract for the provision of supplemental education services with any governmental or nongovernmental agency, school, postsecondary educational institution, or other entity, including a private organization or business; or

''(B) if requested by the parent or legal guardian of an eligible child, purchased from a tutorial assistance provider, another public school, or a private school, selected by the parent or guardian.

''(b) SCHOOLWIDE PROGRAMS.—

''(1) IN GENERAL.—In the case of a public school in which 50 percent of the students enrolled in the school are eligible children, the public school may use funds provided under this subpart, in combination with other Federal, State, and local funds, to carry out a schoolwide program to upgrade the entire educational program in the school.

''(2) PLAN.—If the public school elects to use funds provided under this part in accordance with paragraph (1), and does not have a plan approved by the Secretary under section 1114(b)(2), the public school shall develop and adopt a comprehensive plan for reforming the entire educational program of the public school that—

''(A) incorporates—

''(i) strategies for improving achievement for all children to meet the State's proficient and advanced levels of performance described in section 1111(b);

''(ii) instruction by highly qualified staff;

''(iii) professional development for teachers and aides in content areas in which the teachers or aides provide instruction and, where appropriate, professional development for pupil services personnel, parents, and principals, and other staff to enable all children in the school to meet the State's student performance standards; and

''(iv) activities to ensure that eligible children who experience difficulty mastering any of the standards described in section 1111(b) during the course of the school year shall be provided with effective, timely additional assistance;

''(B) describes the school's use of funds provided under this subpart and from other sources to implement the activities described in subparagraph (A);

''(C) includes a list of State and local educational agency programs and other Federal programs that will be included in the schoolwide program;

''(D) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of an eligible child who participates in the assessment; and

''(E) describes how and where the school will obtain technical assistance services and a description of such services.

''(3) SPECIAL RULE.—In the case of a public school operating a schoolwide program under this subsection, the Secretary may, through publication of a notice in the Federal Register, exempt child centered programs under

this section from statutory or regulatory requirements of any other noncompetitive formula grant program administered by the Secretary, or any discretionary grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act), to support the schoolwide program, if the intent and purposes of such other noncompetitive or discretionary programs are met.

''(c) PRIVATE SCHOOL CHILDREN.—A State or participating local educational agency carrying out a child centered program under this subpart for eligible children at a private school shall ensure that eligible children who are enrolled in the private school receive supplemental education services that are comparable to services for eligible children enrolled in public schools provided under this subpart. The supplemental education services, including materials and equipment, shall be secular, neutral, and nonideological.

''(d) OPEN ENROLLMENT.—

''(1) IN GENERAL.—In order to be eligible to carry out a child centered program under this subpart a State or participating local educational agency shall operate a statewide or school district wide, respectively, open enrollment program that permits parents to enroll their child in any public school in the State or school district, respectively, if space is available in the public school and the child meets the qualifications for attendance at the public school.

''(2) WAIVER.—The Secretary may waive paragraph (1) for a State or participating local educational agency if the State or agency, respectively, demonstrates that parents served by the State or agency, respectively—

''(A) have sufficient options to enroll their child in multiple public schools; or

''(B) will have sufficient options to use the per pupil amount made available under this subpart to purchase supplemental education services from multiple tutorial assistance providers or schools.

''(e) PARENT INVOLVEMENT.—

''(1) IN GENERAL.—Any public school receiving funds under this subpart shall convene an annual meeting at a convenient time. All parents of eligible children shall be invited and encouraged to attend the meeting, in order to explain to the parents the activities assisted under this subpart and the requirements of this subpart. At the meeting, the public school shall explain to parents how the school will use funds provided under this subpart to enable eligible children enrolled at the school to meet challenging State curriculum, content, and student performance standards. In addition, the public school shall inform parents of their right to choose to use the per pupil amount described in subsection (a) to purchase supplemental education services from a tutorial assistance provider, another public school or a private school.

''(2) INFORMATION.—Any public school receiving funds under this subpart shall provide to parents a description and explanation of the curriculum in use at the school, the forms of assessment used to measure student progress, and the proficiency levels students are expected to meet.

''SEC. 1134. APPLICATION.

''(a) IN GENERAL.—Each State or participating local educational agency desiring to carry out a child centered program under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

''(1) a detailed description of the program to be assisted, including an assurance that—

''(A) the per pupil amount established under section 1133(a) will follow each eligible child described in that section to the school or tutorial assistance provider of the parent or guardian's choice;

''(B) funds made available under this subpart will be spent in accordance with the requirements of this subpart; and

''(C) parents have the option to use the per pupil amount to purchase supplemental education services for their children from a wide variety of tutorial assistance providers and schools;

''(2) an assurance that the State or participating local educational agency will publish in a widely read or distributed medium an annual report card that contains—

''(A) information regarding the academic progress of all students served by the State or participating local educational agency in meeting State standards, including students assisted under this subpart, with results disaggregated by race, family income, limited English proficiency, and gender, if such disaggregation can be performed in a statistically sound manner; and

''(B) such other information as the State or participating local educational agency may require;

''(3) a description of how the State or participating local educational agency will make available, to parents of children participating in the child centered program, annual school report cards, with results disaggregated by race, family income, limited English proficiency, and gender, for schools in the State or in the school district of the participating local educational agency;

''(4) in the case of an application from a participating local educational agency, an assurance that the participating local educational agency has notified the State regarding the submission of the application;

''(5) a description of specific measurable objectives for improving the student performance of students served under this subpart;

''(6) a description of the process by which the State or participating local educational agency will measure progress in meeting the objectives;

''(7)(A) in the case of an application from a State, an assurance that the State meets the requirements of subsections (a), (b) and (e) of section 1111 as applied to activities assisted under this subpart; and

''(B) in the case of an application from a participating local educational agency, an assurance that the State's application under section 1111 met the requirements of subsections (a), (b) and (e) of such section; and

''(8) an assurance that each local educational agency serving a school that receives funds under this subpart will meet the requirements of subsections (a) and (c) of section 1116 as applied to activities assisted under this subpart.

''SEC. 1135. ADMINISTRATIVE PROVISIONS.

''(a) PROGRAM DURATION.—A State or participating local educational agency shall carry out a child centered program under this subpart for a period of 5 years.

''(b) ADMINISTRATIVE COSTS.—A State may reserve 2 percent of the funds made available to the State under this subpart, and a participating local educational agency may reserve 5 percent of the funds made available to the participating local educational agency under this subpart, to pay the costs of administrative expenses of the child centered program. The costs may include costs of providing technical assistance to schools receiving funds under this subpart, in order to increase the opportunity for all students in the schools to meet the State's content standards and student performance standards. The technical assistance may be provided directly by the State educational agency, local educational agency, or, with a local educational agency's approval, by an institution of higher education, by a private nonprofit organization, by an educational service agency, by a comprehensive regional assistance center under part A of title XIII, or by another entity with experience in helping schools improve student achievement.

''(c) REPORTS.—

''(1) ANNUAL REPORTS.—

''(A) IN GENERAL.—The State educational agency serving each State, and each participating local educational agency, carrying out a child centered program under this subpart shall submit to the Secretary an annual report, that is consistent with data provided under section 1134(a)(2)(A), regarding the performance of eligible children receiving supplemental education services under this subpart.

''(B) DATA.—Not later than 2 years after establishing a child centered program under this subpart and each year thereafter, each State or participating local educational agency shall include in the annual report data on student achievement for eligible children served under this subpart with results disaggregated by race, family income, limited English proficiency, and gender, demonstrating the degree to which measurable progress has been made toward meeting the objectives described in section 1134(a)(5).

''(C) DATA ASSURANCES.—Each annual report shall include—

''(i) an assurance from the managers of the child centered program that data used to measure student achievement under subparagraph (B) is reliable, complete, and accurate, as determined by the State or participating local educational agency; or

''(ii) a description of a plan for improving the reliability, completeness, and accuracy of such data as determined by the State or participating local educational agency.

''(2) SECRETARY'S REPORT.—The Secretary shall make each annual report available to Congress, the public, and the Comptroller General of the United States (for purposes of the evaluation described in section 1136).

''(d) TERMINATION.—Three years after the date a State or participating local educational agency establishes a child centered program under this subpart the Secretary shall review the performance of the State or participating local educational agency in meeting the objectives described in section 1134(a)(5). The Secretary, after providing notice and an opportunity for a hearing, may terminate the authority of the State or participating local educational agency to operate a child centered program under this subpart if the State or participating local educational agency submitted data that indicated the State or participating local educational agency has not made any progress in meeting the objectives.

''(e) TREATMENT OF AMOUNTS RECEIVED.—The per pupil amount provided under this subpart for an eligible child shall not be treated as income of the eligible child or the parent of the eligible child for purposes of Federal tax laws, or for determining the eligibility for or amount of any other Federal assistance.

''SEC. 1136. EVALUATION.

''(a) ANNUAL EVALUATION.—

''(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, with an evaluating entity that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of child centered programs under this subpart.

''(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall

require the evaluating entity entering into such contract to annually evaluate each child centered program under this subpart in accordance with the evaluation criteria described in subsection (b).

''(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating entity entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (2).

''(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the child centered programs under this subpart. Such criteria shall provide for a description of—

''(1) the implementation of each child centered program under this subpart;

''(2) the effects of the programs on the level of parental participation and satisfaction with the programs; and

''(3) the effects of the programs on the educational achievement of eligible children participating in the programs.

''SEC. 1137. REPORTS.

''(a) REPORTS BY COMPTROLLER GENERAL.—

''(1) INTERIM REPORTS.—Three years after the date of enactment of this subpart the Comptroller General of the United States shall submit an interim report to Congress on the findings of the annual evaluations under section 1136(a)(2) for each child centered program assisted under this subpart. The report shall contain a copy of the annual evaluation under section 1136(a)(2) of each child centered program under this subpart.

''(2) FINAL REPORT.—The Comptroller General shall submit a final report to Congress, not later than March 1, 2006, that summarizes the findings of the annual evaluations under section 1136(a)(2).''.

''SEC. 1138. LIMITATION ON CONDITIONS; PREEMPTION.

Nothing in this subpart shall be construed—

''(1) to authorize or permit an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or student performance standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this subpart; and

''(2) to preempt any provision of a State constitution or State statute that pertains to the expenditure of State funds in or by religious institutions.''.●

ADDITIONAL COSPONSORS

S. 341

At the request of Mr. CRAIG, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 341, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation, and for other purposes.

S. 381

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 381, a bill to allow certain individuals who provided service to the Armed Forces of the United States in the Philippines during World War II to receive a reduced SSI benefit after moving back to the Philippines.

S. 386

At the request of Mr. GORTON, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 758

At the request of Mr. ASHCROFT, the names of the Senator from Oregon (Mr. SMITH), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1187

At the request of Mr. DORGAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Washington (Mr. GORTON), the Senator from Missouri (Mr. ASHCROFT), the Senator from Nevada (Mr. REID), and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1211

At the request of Mr. BENNETT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1211, a bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1235

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1235, a bill to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

S. 1266

At the request of Mr. GORTON, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1277

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1310

At the request of Ms. COLLINS, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1310, a bill to amend title XVIII of the Social Security Act to modify the interim payment system for home health services, and for other purposes.

S. 1384

At the request of Mr. ABRAHAM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1453

At the request of Mr. FRIST, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Ohio (Mr. DEWINE), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1453, a bill to facilitate relief efforts and a comprehensive solution to the war in Sudan.

S. 1473

At the request of Mr. ROBB, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1488

At the request of Mr. GORTON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1520

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1520, a bill to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

S. 1606

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr.