

strong bipartisan support in the United States Congress.

The plight of the Tibetan people and our non-violent freedom struggle has touched the hearts and conscience of all people who cherish truth and justice. The international awareness of the issue of Tibet has reached an unprecedented height since last year. Concerns and active support for Tibet are not confined to human rights organizations, governments and parliaments. Universities, schools, religious and social groups, artistic and business communities as well as people from many other walks of life have also come to understand the problem of Tibet and are now expressing their solidarity with our cause. Reflecting this rising popular sentiment, many governments and parliaments have made the problem of Tibet an important issue on the agenda of their relations with the government of China.

We have also been able to deepen and broaden our relations with our Chinese brothers and sisters, belonging to the democracy and human rights movement. Similarly, we have been able to establish cordial and friendly relations with fellow Chinese Buddhists and ordinary Chinese people living abroad and in Taiwan. The support and solidarity that we receive from our Chinese brothers and sisters are a source of great inspiration and hope. I am particularly encouraged and moved by those brave Chinese within China who have urged their government or publicly called for a change in China's policy towards the Tibetan people.

Today, the Tibetan freedom movement is in a much stronger and better position than ever before and I firmly believe that despite the present intransigence of the Chinese government, the prospects for progress in bringing about a meaningful dialogue and negotiations are better today than ever. I, therefore, appeal to governments, parliaments and our friends to continue their support and efforts with renewed dedication and vigour. I strongly believe that such expressions of international concern and support are essential. They are vital in communicating a sense of urgency to the leadership in Beijing and in persuading them to address the issue of Tibet in a serious and constructive manner.

With my homage to the brave men and women of Tibet, who have died for the cause of our freedom, I pray for an early end to the suffering of our people.

Mr. MOYNIHAN. Mr. President, every year on March 10th we reflect on the plight of the Tibetan people. Forty years ago many Tibetan citizens gave their lives to defend their freedom and to prevent the Dalai Lama from being kidnaped by the Chinese army. For those who are committed to standing with the Tibetan people, it is a day to consider what can be done to lend support to Tibetan people, it is a day to consider what can be done to lend support to Tibetan aspirations. The United States Senate will mark the occasion by considering a resolution to mark this solemn occasion.

The United States Congress takes the position that Tibet is an occupied country whose true representatives are the Dalai Lama and the Tibetan Government in exile. The International Commission of Jurists (ICJ), which has closely followed the situation in Tibet since the Dalai Lama was forced to flee into exile, and has published reports in 1959, 1960, 1964, and 1997. After examining Chinese policies in Tibet, it re-

ported its findings to the Secretary-General of the United Nations. The 1960 report made the important international legal determination that "Tibet demonstrated from 1913 to 1950 the conditions of statehood as generally accepted under international law."

Now the ICJ has returned to the issue of Tibet and produced another important report. It finds that repression in Tibet has increased since 1994. This is an assessment which my daughter Maura shares after having visited Tibet and having worked closely for many years with Tibetan refugees who continue to make the dangerous journey over the Himalayan mountains to flee persecution in their homeland. In 1996 she returned from Tibet to report that,

... in recent months Beijing's leaders have renewed their assault on Tibetan culture, especially Buddhism, with an alarming vehemence. The rhetoric and the methods of the Cultural Revolution of the 1960s have been resurrected—reincarnated, what you will—to shape an aggressive campaign to vilify the Dalai Lama.

The Dalai Lama, of course, remains unstained, but it is time for the Chinese to consider a policy of "constructive engagement" of their own—with the Tibetans. For many years now, the United States Congress has called on the People's Republic of China to enter into discussions with the Dalai Lama or his representatives on a solution to the question of Tibet. Today we continue that message. This resolution declares March 10, 1999 as "Tibetan National Day in solemn recognition of those Tibetans who sacrificed, suffered, or died as a result of Chinese aggression among their country." It also affirms the right of the Tibetan people to "determine their own political future, including independence if they so determine." The government of the People's Republic of China should know that as the Tibetan people and His Holiness the Dalai Lama of Tibet go forward on their journey toward freedom the Congress and the people of the United States stand with them.

## AMENDMENTS SUBMITTED

### EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

#### LOTT (AND ABRAHAM) AMENDMENT NO. 60

Mr. JEFFORDS (for Mr. LOTT for himself and Mr. ABRAHAM) proposed an amendment to the bill (S. 280) to provide for education flexibility partnerships; as follows:

At the end, add the following:

#### SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds that the amount appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) has not been sufficient to fully fund such part at the originally promised level, which promised level would provide to each State 40 percent of the

average per-pupil expenditure for providing special education and related services for each child with a disability in the State.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any Act authorizing the appropriation of Federal education funds that is enacted after the date of enactment of this Act should provide States and local school districts with the flexibility to use the funds to carry out part B of the Individuals with Disabilities Education Act.

#### SEC. . IDEA.

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part."

#### FEINSTEIN AMENDMENT NO. 61

Mrs. FEINSTEIN proposed an amendment to the bill, S. 280, supra; as follows:

At the end, add the following:

#### TITLE —STUDENT ACHIEVEMENT

##### SEC. 01. SHORT TITLE.

This title may be cited as the "Student Achievement Act of 1999".

##### SEC. 02. REMEDIAL EDUCATION.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to high need, low-performing local educational agencies to enable the local educational agencies to carry out remedial education programs that enable kindergarten through grade 12 students who are failing or are at risk of failing to meet State achievement standards in the core academic curriculum.

(b) USE OF FUNDS.—Grant funds awarded under this section may be used to provide prevention and intervention services and academic instruction, that enable the students described in subsection (a) to meet challenging State achievement standards in the core academic curriculum, such as—

(1) implementing early intervention strategies that identify and support those students who need additional help or alternative instructional strategies;

(2) strengthening learning opportunities in classrooms by hiring certified teachers to reduce class sizes, providing high quality professional development, and using proven instructional practices and curriculum aligned to State achievement standards;

(3) providing extended learning time, such as after-school and summer school; and

(4) developing intensive instructional intervention strategies for students who fail to meet the State achievement standards.

(c) APPLICATIONS.—Each local educational agency desiring to receive a grant under this section shall submit an application to the Secretary. Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with subsection (b); and

(2) a detailed description of how the local educational agency will use the grant funds to help students meet State achievement standards in the core academic curriculum by providing prevention and intervention services and academic instruction to students who are most at risk of failing to meet the State achievement standards.

(d) CONDITIONS FOR RECEIVING FUNDS.—A local educational agency shall be eligible to receive a grant under this section if the local educational agency or the State educational agency—

(1) adopts a policy prohibiting the practice of social promotion;

(2) requires that all kindergarten through grade 12 students meet State achievement standards in the core academic curriculum at key transition points (to be determined by the State), such as 4th, 8th, 12th grades, before promotion to the next grade level;

(3) uses tests and other indicators, such as grades and teacher evaluations, to assess student performance in meeting the State achievement standards, which tests shall be valid for the purpose of such assessment; and

(4) has substantial numbers of students who are low-performing students.

(e) **DEFINITIONS.**—In this section:

(1) **CORE ACADEMIC CURRICULUM.**—The term “core academic curriculum” means curriculum in subjects such as reading and writing, language arts, mathematics, social sciences (including history), and science.

(2) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) **PRACTICE OF SOCIAL PROMOTION.**—The term “practice of social promotion” means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to meet the State achievement standards in the core academic curriculum, unless the practice is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)).

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

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$500,000,000 for each of the fiscal years 2000 through 2004.

#### **TITLE —STANDARDIZED SCHOOL REPORT CARDS**

##### **SEC. 01. SHORT TITLE.**

This title may be cited as the “Standardized School Report Card Act”.

##### **SEC. 02. FINDINGS.**

Congress makes the following findings:

(1) According to the report “Quality Counts 99”, by Education Week, 36 States require the publishing of annual report cards on individual schools, but the content of the report cards varies widely.

(2) The content of most of the report cards described in paragraph (1) does not provide parents with the information the parents used to measure how their school or State is doing compared with other schools and States.

(3) Ninety percent of taxpayers believe that published information about individual schools would motivate educators to work harder to improve the schools' performance.

(4) More than 60 percent of parents and 70 percent of taxpayers have not seen an individual report card for their area school.

(5) Dissemination of understandable information about schools can be an important tool for parents and taxpayers to measure the quality of the schools and to hold the schools accountable for improving performance.

##### **SEC. 03. PURPOSE.**

The purpose of this title is to provide parents, taxpayers, and educators with useful, understandable school report cards.

##### **SEC. 04. REPORT CARDS.**

(a) **STATE REPORT CARDS.**—Each State educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall produce and widely disseminate an annual report card for parents, the general public, teachers and the Secretary of Education, in easily understandable language, regarding—

(1) student performance in language arts and mathematics, plus any other subject

areas in which the State requires assessments, including comparisons with students from different school districts within the State, and, to the extent possible, comparisons with students throughout the Nation;

(2) professional qualifications of teachers in the State, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(3) average class size in the State;

(4) school safety, including the safety of school facilities and incidents of school violence;

(5) to the extent practicable, parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(6) the annual school dropout rate as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data; and

(7) other indicators of school performance and quality.

(b) **SCHOOL REPORT CARDS.**—Each school receiving assistance under the Elementary and Secondary Education Act of 1965, or the local educational agency serving that school, shall produce and widely disseminate an annual report card for parents, the general public, teachers and the State educational agency, in easily understandable language, regarding—

(1) student performance in the school in reading and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with other students within the school district, in the State, and, to the extent possible, in the Nation;

(2) professional qualifications of the school's teachers, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(3) average class size in the school;

(4) school safety, including the safety of the school facility and incidents of school violence;

(5) parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(6) the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data; and

(7) other indicators of school performance and quality.

(c) **MODEL SCHOOL REPORT CARDS.**—The Secretary of Education shall use funds made available to the Office of Educational Research and Improvement to develop a model school report card for dissemination, upon request, to a school, local educational agency, or State educational agency.

(d) **DISAGGREGATION OF DATA.**—Each State educational agency or school producing an annual report card under this section shall disaggregate the student performance data reported under subsection (a)(1) or (b)(1), as appropriate, in the same manner as results are disaggregated under section 1111(b)(3)(1) of the Elementary and Secondary Education Act of 1965.

Subtitle C—Sense of the Senate

##### **SEC. 31. SENSE OF THE SENATE.**

It is the sense of the Senate that the budget resolution shall include annual increases for IDEA part B funding so that the program can be fully funded within the next five years.

These increases shall not come at the expense of other important education programs which also serve children with disabilities.

#### **WELLSTONE AMENDMENTS NO. 62**

Mr. WELLSTONE proposed an amendment to the bill, S. 280, *supra*; as follows:

On page 15, between lines 2 and 3, insert the following:

“(F) local and state plans, use of funds, and accountability, under the Carl D. Perkins Vocational and Technical Education Act of 1998, except to permit the formation of secondary and post-secondary consortia;

“(G) sections 1114b and 1115c of Title I of the Elementary and Secondary Education Act of 1965;”.

#### **BINGAMAN (AND OTHERS) AMENDMENTS NO. 63**

Mr. BINGAMAN (for himself, Mr. LEVIN, Mr. BRYAN, and Mrs. BOXER) proposed an amendment to the bill, S. 280, *supra*; as follows:

At the end, add the following:

#### **—DROPOUT PREVENTION AND STATE RESPONSIBILITIES**

##### **SEC. 01. SHORT TITLE.**

This title may be cited as the “National Dropout Prevention Act of 1999”.

Subtitle A—Dropout Prevention

##### **SEC. 11. DROPOUT PREVENTION.**

Part C of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7261 et seq.) is amended to read as follows:

#### **“PART C—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS**

“Subpart 1—Coordinated National Strategy

##### **“SEC. 5311. NATIONAL ACTIVITIES.**

“(a) **NATIONAL PRIORITY.**—It shall be a national priority, for the 5-year period beginning on the date of enactment of the National Dropout Prevention Act of 1999, to lower the school dropout rate, and increase school completion, for middle school and secondary school students in accordance with Federal law. As part of this priority, all Federal agencies that carry out activities that serve students at risk of dropping out of school or that are intended to help address the school dropout problem shall make school dropout prevention a top priority in the agencies' funding priorities during the 5-year period.

“(b) **ENHANCED DATA COLLECTION.**—The Secretary shall collect systematic data on the participation of different racial and ethnic groups (including migrant and limited English proficient students) in all Federal programs.

##### **“SEC. 5312. NATIONAL SCHOOL DROPOUT PREVENTION STRATEGY.**

“(a) **PLAN.**—The Director shall develop, implement, and monitor an interagency plan (in this section referred to as the ‘plan’) to assess the coordination, use of resources, and availability of funding under Federal law that can be used to address school dropout prevention, or middle school or secondary school reentry. The plan shall be completed and transmitted to the Secretary and Congress not later than 180 days after the first Director is appointed.

“(b) **COORDINATION.**—The plan shall address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and middle school and secondary school reentry, assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention.

“(c) **AVAILABLE RESOURCES.**—The plan shall also describe the ways in which State and local agencies can implement effective

school dropout prevention programs using funds from a variety of Federal programs, including the programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

“(d) SCOPE.—The plan will address all Federal programs with school dropout prevention or school reentry elements or objectives, programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a-11 et seq.), title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.), part B of title IV of the Job Training Partnership Act (29 U.S.C. 1691 et seq.), subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.), and other programs.

**“SEC. 5313. NATIONAL CLEARINGHOUSE.**

“Not later than 6 months after the date of enactment of the National Dropout Prevention Act of 1999, the Director shall establish a national clearinghouse on effective school dropout prevention, intervention and reentry programs. The clearinghouse shall be established through a competitive grant or contract awarded to an organization with a demonstrated capacity to provide technical assistance and disseminate information in the area of school dropout prevention, intervention, and reentry programs. The clearinghouse shall—

“(1) collect and disseminate to educators, parents, and policymakers information on research, effective programs, best practices, and available Federal resources with respect to school dropout prevention, intervention, and reentry programs, including dissemination by an electronically accessible database, a worldwide Web site, and a national journal; and

“(2) provide technical assistance regarding securing resources with respect to, and designing and implementing, effective and comprehensive school dropout prevention, intervention, and reentry programs.

**“SEC. 5314. NATIONAL RECOGNITION PROGRAM.**

“(a) IN GENERAL.—The Director shall carry out a national recognition program that recognizes schools that have made extraordinary progress in lowering school dropout rates under which a public middle school or secondary school from each State will be recognized. The Director shall use uniform national guidelines that are developed by the Director for the recognition program and shall recognize schools from nominations submitted by State educational agencies.

“(b) ELIGIBLE SCHOOLS.—The Director may recognize any public middle school or secondary school (including a charter school) that has implemented comprehensive reforms regarding the lowering of school dropout rates for all students at that school.

“(c) SUPPORT.—The Director may make monetary awards to schools recognized under this section, in amounts determined by the Director. Amounts received under this section shall be used for dissemination activities within the school district or nationally.

“Subpart 2—National School Dropout Prevention Initiative

**“SEC. 5321. FINDINGS.**

“Congress finds that, in order to lower dropout rates and raise academic achievement levels, improved and redesigned schools must—

“(1) challenge all children to attain their highest academic potential; and

“(2) ensure that all students have substantial and ongoing opportunities to—

“(A) achieve high levels of academic and technical skills;

“(B) prepare for college and careers;

“(C) learn by doing;

“(D) work with teachers in small schools within schools;

“(E) receive ongoing support from adult mentors;

“(F) access a wide variety of information about careers and postsecondary education and training;

“(G) use technology to enhance and motivate learning; and

“(H) benefit from strong links among middle schools, secondary schools, and postsecondary institutions.

**“SEC. 5322. PROGRAM AUTHORIZED.**

“(a) ALLOTMENTS TO STATES.—

“(1) IN GENERAL.—From the sum made available under section 5332(b) for a fiscal year the Secretary shall make an allotment to each State in an amount that bears the same relation to the sum as the amount the State received under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for the preceding fiscal year bears to the amount received by all States under such title for the preceding fiscal year.

“(2) DEFINITION OF STATE.—In this subpart, the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“(b) GRANTS.—From amounts made available to a State under subsection (a), the State educational agency may award grants to public middle schools or secondary schools, that have school dropout rates which are in the highest 1/3 of all school dropout rates in the State, to enable the schools to pay only the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs that involve activities such as—

“(1) professional development;

“(2) obtaining curricular materials;

“(3) release time for professional staff;

“(4) planning and research;

“(5) remedial education;

“(6) reduction in pupil-to-teacher ratios;

“(7) efforts to meet State student achievement standards; and

“(8) counseling for at-risk students.

“(b) INTENT OF CONGRESS.—It is the intent of Congress that the activities started or implemented under subsection (a) shall be continued with funding provided under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

“(c) AMOUNT.—

“(1) IN GENERAL.—Subject to subsection (d) and except as provided in paragraph (2), a grant under this subpart shall be awarded—

“(A) in the first year that a school receives a grant payment under this subpart, in an amount that is not less than \$50,000 and not more than \$100,000, based on factors such as—

“(i) school size;

“(ii) costs of the model being implemented; and

“(iii) local cost factors such as poverty rates;

“(B) in the second such year, in an amount that is not less than 75 percent of the amount the school received under this subpart in the first such year;

“(C) in the third year, in an amount that is not less than 50 percent of the amount the school received under this subpart in the first such year; and

“(D) in each succeeding year in an amount that is not less than 30 percent of the amount the school received under this subpart in the first such year.

“(2) INCREASES.—The Director shall increase the amount awarded to a school under this subpart by 10 percent if the school creates smaller learning communities within the school and the creation is certified by the State educational agency.

“(d) DURATION.—A grant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 5328(a), that significant progress has been made in lowering the school dropout rate for students participating in the program assisted under this subpart compared to students at similar schools who are not participating in the program.

**“SEC. 5323. STRATEGIES AND ALLOWABLE MODELS.**

“(a) STRATEGIES.—Each school receiving a grant under this subpart shall implement research-based, sustainable, and widely replicated, strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students. The strategies may include—

“(1) specific strategies for targeted purposes; and

“(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, developing clear linkages to career skills and employment, and addressing specific gatekeeper hurdles that often limit student retention and academic success.

“(b) ALLOWABLE MODELS.—The Director shall annually establish and publish in the Federal Register the principles, criteria, models, and other parameters regarding the types of effective, proven program models that are allowed to be used under this subpart, based on existing research.

“(c) CAPACITY BUILDING.—

“(1) IN GENERAL.—The Director, through a contract with a non-Federal entity, shall conduct a capacity building and design initiative in order to increase the types of proven strategies for dropout prevention on a schoolwide level.

“(2) NUMBER AND DURATION.—

“(A) NUMBER.—The Director shall award not more than 5 contracts under this subsection.

“(B) DURATION.—The Director shall award a contract under this section for a period of not more than 5 years.

“(d) SUPPORT FOR EXISTING REFORM NETWORKS.—

“(1) IN GENERAL.—The Director shall provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this subpart.

“(2) DEFINITION OF ELIGIBLE ENTITY.—The term ‘eligible entity’ means an entity that, prior to the date of enactment of the National Dropout Prevention Act of 1999—

“(A) provided training, technical assistance, and materials to 100 or more elementary schools or secondary schools; and

“(B) developed and published a specific educational program or design for use by the schools.

**“SEC. 5324. SELECTION OF SCHOOLS.**

“(a) SCHOOL APPLICATION.—

“(1) IN GENERAL.—Each school desiring a grant under this subpart shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall—

“(A) contain a certification from the local educational agency serving the school that—

“(i) the school has the highest number or rates of school dropouts in the age group served by the local educational agency;

"(ii) the local educational agency is committed to providing ongoing operational support, for the school's comprehensive reform plan to address the problem of school dropouts, for a period of 5 years; and

"(iii) the local educational agency will support the plan, including—

"(I) release time for teacher training;

"(II) efforts to coordinate activities for feeder schools; and

"(III) encouraging other schools served by the local educational agency to participate in the plan;

"(B) demonstrate that the faculty and administration of the school have agreed to apply for assistance under this subpart, and provide evidence of the school's willingness and ability to use the funds under this subpart, including providing an assurance of the support of 80 percent or more of the professional staff at the school;

"(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

"(D) describe a budget and timeline for implementing the strategies;

"(E) contain evidence of interaction with an eligible entity described in section 5323(d)(2);

"(F) contain evidence of coordination with existing resources;

"(G) provide an assurance that funds provided under this subpart will supplement and not supplant other Federal, State, and local funds;

"(H) describe how the activities to be assisted conform with an allowable model described in section 5323(b); and

"(I) demonstrate that the school and local educational agency have agreed to conduct a schoolwide program under 1114.

"(b) STATE AGENCY REVIEW AND AWARD.—The State educational agency shall review applications and award grants to schools under subsection (a) according to a review by a panel of experts on school dropout prevention.

"(c) CRITERIA.—The Director shall establish clear and specific selection criteria for awarding grants to schools under this subpart. Such criteria shall be based on school dropout rates and other relevant factors for State educational agencies to use in determining the number of grants to award and the type of schools to be awarded grants.

"(d) ELIGIBILITY.—

"(1) IN GENERAL.—A school is eligible to receive a grant under this subpart if the school is—

"(A) a public school—

"(i) that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), including a comprehensive secondary school, a vocational or technical secondary school, and a character school; and

"(ii) (I) that serves students 50 percent or more of whom are low-income individuals; or

"(II) with respect to which the feeder schools that provide the majority of the incoming students to the school serve students 50 percent or more of whom are low-income individuals; or

"(B) is participating in a schoolwide program under section 1114 during the grant period.

"(2) OTHER SCHOOLS.—A private or parochial school, an alternative school, or a school within a school, is not eligible to receive a grant under this subpart, but an alternative school or school within a school may be served under this subpart as part of a whole school reform effort within an entire school building.

"(e) COMMUNITY-BASED ORGANIZATIONS.—A school that receives a grant under this subpart may use the grant funds to secure nec-

essary services from a community-based organization, including private sector entities, if—

"(1) the school approves the use;

"(2) the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts; and

"(3) the community-based organization has demonstrated the organization's ability to provide effective services as described in section 107(a) of the Job Training Partnership Act (29 U.S.C. 1517(a)), or section 122 of the Workforce Investment Act of 1998 (29 U.S.C. 2842).

"(f) COORDINATION.—Each school that receives a grant under this subpart shall coordinate the activities assisted under this subpart with other Federal programs, such as programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

#### "SEC. 5325. DISSEMINATION ACTIVITIES.

"Each school that receives a grant under this subpart shall provide information and technical assistance to other schools within the school district, including presentations, document-sharing, and joint staff development.

#### "SEC. 5326. PROGRESS INCENTIVES.

"Notwithstanding any other provision of law, each local educational agency that receives funds under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall use such funding to provide assistance to schools served by the agency that have not made progress toward lowering school dropout rates after receiving assistance under this subpart for 2 fiscal years.

#### "SEC. 5327. SCHOOL DROPOUT RATE CALCULATION.

"For purposes of calculating a school dropout rate under this subpart, a school shall use—

"(1) the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data, if available; or

"(2) in other cases, a standard method for calculating the school dropout rate as determined by the State educational agency.

#### "SEC. 5328. REPORTING AND ACCOUNTABILITY.

"(a) REPORTING.—In order to receive funding under this subpart for a fiscal year after the first fiscal year a school receives funding under this subpart, the school shall provide, on an annual basis, to the Director a report regarding the status of the implementation of activities funded under this subpart, the disaggregated outcome data for students at schools assisted under this subpart such as dropout rates, and certification of progress from the eligible entity whose strategies the school is implementing.

"(b) ACCOUNTABILITY.—On the basis of the reports submitted under subsection (a), the Director shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared to a control group.

#### "SEC. 5329. PROHIBITION ON TRACKING.

"(a) IN GENERAL.—A school shall be ineligible to receive funding under this subpart for a fiscal year, if the school—

"(1) has in place a general education track;

"(2) provides courses with significantly different material and requirements to students at the same grade level; or

"(3) fails to encourage all students to take a core curriculum of courses.

"(b) REGULATIONS.—The Secretary shall promulgate regulations implementing subsection (a).

"Subpart 3—Definitions; Authorization of Appropriations

#### "SEC. 5331. DEFINITIONS.

"In this Act:

"(1) DIRECTOR.—The term "Director" means the Director of the Office of Dropout Prevention and Program Completion established under section 220 of the General Education Provisions Act.

"(2) LOW-INCOME.—The term "low-income", used with respect to an individual, means an individual determined to be low-income in accordance with measures described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

"(3) SCHOOL DROPOUT.—The term "school dropout" has the meaning given the term in section 4(17) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6103(17)).

#### "SEC. 5332. AUTHORIZATION OF APPROPRIATIONS.

"(a) SUBPART 1.—There are authorized to be appropriated to carry out subpart 1, \$5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) SUBPART 2.—There are authorized to be appropriated to carry out subpart 2 and part B of the Individuals With Disabilities Act (20 U.S.C. 1411 et seq. such sums as may be necessary for FY 2000 and each of the 4 succeeding fiscal years, of which—

"(1) No more than \$125,000,000 shall be available to carry out section 5322;

"(2) No more than \$20,000,000 shall be available to carry out section 5322; and

"(3) Any funds appropriated in excess of \$145 million shall be made available to carry out part B of the Individuals With Disabilities Education Act (20 U.S.C. 144 et seq.).

#### "SEC. 12. OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION.

Title II of the Department of Education Organization Act (20 U.S.C. 3411) is amended—

(1) by redesignating section 216 (as added by Public Law 103–227) as section 218; and

(2) by adding at the end the following:

"OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION

"SEC. 220. (a) ESTABLISHMENT.—There shall be in the Department of Education an Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Office'), to be administered by the Director of the Office of Dropout Prevention and Program Completion. The Director of the Office shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe.

"(b) DUTIES.—The Director of the Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Director'), through the Office, shall—

"(1) help coordinate Federal, State, and local efforts to lower school dropout rates and increase program completion by middle school, secondary school, and college students;

"(2) recommend Federal policies, objectives, and priorities to lower school dropout rates and increase program completion;

"(3) oversee the implementation of subpart 2 of part C of title V of the Elementary and Secondary Education Act of 1965;

"(4) develop and implement the National School Dropout Prevention Strategy under section 5312 of the Elementary and Secondary Education Act of 1965;

"(5) annually prepare and submit to Congress and the Secretary a national report describing efforts and recommended actions regarding school dropout prevention and program completion;

"(6) recommend action to the Secretary and the President, as appropriate, regarding

school dropout prevention and program completion; and

"(7) consult with and assist State and local governments regarding school dropout prevention and program completion.

"(c) SCOPE OF DUTIES.—The scope of the Director's duties under subsection (b) shall include examination of all Federal and non-Federal efforts related to—

"(1) promoting program completion for children attending middle school or secondary school;

"(2) programs to obtain a secondary school diploma or its recognized equivalent (including general equivalency diploma (GED) programs), or college degree programs; and

"(3) reentry programs for individuals aged 12 to 24 who are out of school.

"(d) DETAILING.—In carrying out the Director's duties under this section, the Director may request the head of any Federal department or agency to detail personnel who are engaged in school dropout prevention activities to another Federal department or agency in order to implement the National School Dropout Prevention Strategy."

Subtitle B—State Responsibilities

#### SEC. 21. STATE RESPONSIBILITIES.

Title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

"PART I—DROPOUT PREVENTION

#### "SEC. 14851. DROPOUT PREVENTION.

"In order to receive any assistance under this Act, a State educational agency shall comply with the following provisions regarding school dropouts:

"(1) UNIFORM DATA COLLECTION.—Within 1 year after the date of enactment of the National Dropout Prevention Act of 1999, a State educational agency shall report to the Secretary and statewide, all school district and school data regarding school dropout rates in the State, and demographic breakdowns, according to procedures that conform with the National Center for Education Statistics' Common Core of Data.

"(2) ATTENDANCE-NEUTRAL FUNDING POLICIES.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1999, a State educational agency shall develop and implement education funding formula policies for public schools that provide appropriate incentives to retain students in school throughout the school year, such as—

"(A) a student count methodology that does not determine annual budgets based on attendance on a single day early in the academic year; and

"(B) specific incentives for retaining enrolled students throughout each year.

"(3) SUSPENSION AND EXPULSION POLICIES.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1998, a State educational agency shall develop uniform, long-term suspension and expulsion policies for serious infractions resulting in more than 10 days of exclusion from school per academic year so that similar violations result in similar penalties."

Subtitle C—Sense of the Senate

#### SEC. 31. SENSE OF THE SENATE.

It is the sense of the Senate that the budget resolution shall include annual increases for IDEA part B funding so that the program can be fully funded within the next five years.

These increases shall not come at the expense of other important education programs which also serve children with disabilities.

MURRAY (AND OTHERS)  
AMENDMENT NO. 64

Mr. BINGAMAN (for Mrs. MURRAY for herself, Mr. KENNEDY, Mr. DASCHLE,

Mr. DURBIN, Mr. HARKIN, Mr. TORRICELLI, Mr. KERRY, Mr. LEVIN, Mr. BOXER, Ms. MIKULSKI, Mr. DODD, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. ROBB, Mr. SARBANES, Mr. REED, Mr. AKAKA, Mr. WELLSTONE, Mr. KERREY, Ms. LANDRIEU, Mr. BRYAN, Mr. BIDEN, and Mr. BINGAMAN) proposed an amendment to the bill, S. 280, supra; as follows:

At the end add the following:

TITLE —AFTER SCHOOL EDUCATION  
AND CRIME PREVENTION

#### SEC. 01. SHORT TITLE.

This title may be cited as the "After School Education and Anti-Crime Act of 1999".

#### SEC. 02. PURPOSE.

The purpose of this title is to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

#### SEC. 03. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours alone, without supervision, companionship, or activity, than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

(4) The consequences of academic failure are more dire in 1999 than ever before.

(5) After school programs have been shown in many States to help address social problems facing our Nation's youth, such as drugs, alcohol, tobacco, and gang involvement.

(6) Many of our Nation's governors endorse increasing the number of after school programs through a Federal/State partnership.

(7) Over 450 of the Nation's leading police chiefs, sheriffs, and prosecutors, along with presidents of the Fraternal Order of Police and the International Union of Police Associations, which together represent 360,000 police officers, have called upon public officials to provide after school programs that offer recreation, academic support, and community service experience, for school-age children and teens in the United States.

(8) One of the most important investments that we can make in our children is to ensure that they have safe and positive learning environments in the after school hours.

#### SEC. 04. GOALS.

The goals of this title are as follows:

(1) To increase the academic success of students.

(2) To promote safe and productive environments for students in the after school hours.

(3) To provide alternatives to drug, alcohol, tobacco, and gang activity.

(4) To reduce juvenile crime and the risk that youth will become victims of crime during after school hours.

#### SEC. 05. PROGRAM AUTHORIZATION.

Section 10903 of the 21st Century Community Learning Centers Act (20 U.S.C. 8243) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting "To LOCAL EDUCATIONAL AGENCIES FOR SCHOOLS" after "SECRETARY"; and

(B) by striking "rural and inner-city public" and all that follows through "or to" and inserting "local educational agencies for the

support of public elementary schools or secondary schools, including middle schools, that serve communities with substantial needs for expanded learning opportunities for children and youth in the communities, to enable the schools to establish or"; and

(C) by striking "a rural or inner-city community" and inserting "the communities";

(2) in subsection (b)—

(A) by striking "States, among" and inserting "States and among"; and

(B) by striking "United States," and all that follows through "a State" and inserting "United States"; and

(3) in subsection (c), by striking "3" and inserting "5".

#### SEC. 06. APPLICATIONS.

Section 10904 of the 21st Century Community Learning Centers Act (20 U.S.C. 8244) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence, by striking "an elementary or secondary school or consortium" and inserting "a local educational agency"; and

(ii) in the second sentence, by striking "Each such" and inserting the following:

"(b) CONTENTS.—Each such"; and

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1), by striking "or consortium";

(B) in paragraph (2), by striking "and" after the semicolon; and

(C) in paragraph (3)—

(i) in subparagraph (B), by inserting "; including programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)" after "maximized";

(ii) in subparagraph (C), by inserting "students, parents, teachers, school administrators, local government, including law enforcement organizations such as Police Athletic and Activity Leagues," after "agencies,";

(iii) in subparagraph (D), by striking "or consortium"; and

(iv) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking "or consortium"; and

(II) in clause (ii), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

"(4) information demonstrating that the local educational agency will—

"(A) provide not less than 35 percent of the annual cost of the activities assisted under the project from sources other than funds provided under this part, which contribution may be provided in cash or in kind, fairly evaluated; and

"(B) provide not more than 25 percent of the annual cost of the activities assisted under the project from funds provided by the Secretary under other Federal programs that permit the use of those other funds for activities assisted under the project; and

"(5) an assurance that the local educational agency, in each year of the project, will maintain the agency's fiscal effort, from non-Federal sources, from the preceding fiscal year from the activities the local educational agency provides with funds provided under this part."

#### SEC. 07. USES OF FUNDS.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended—

(1) by striking the matter preceding paragraph (1) and inserting:

"(a) IN GENERAL.—Grants awarded under this part may be used to establish or expand community learning centers. The centers may provide 1 or more of the following activities:"

(2) in subsection (a)(11) (as redesignated by paragraph (1)), by inserting “, and job skills preparation” after “placement”; and

(3) by adding at the end the following:

“(14) After school programs, that—

“(A) shall include at least 2 of the following:

“(i) mentoring programs;

“(ii) academic assistance;

“(iii) recreational activities; or

“(iv) technology training; and

“(B) may include—

“(i) drug, alcohol, and gang prevention activities;

“(ii) health and nutrition counseling; and

“(iii) job skills preparation activities.

“(b) LIMITATION.—Not less than  $\frac{1}{3}$  of the amount appropriated under section 10907 for each fiscal year shall be used for after school programs, as described in paragraph (14). Such programs may also include activities described in paragraphs (1) through (13) that offer expanded opportunities for children or youth.”.

#### SEC. 08. ADMINISTRATION.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended by adding at the end the following:

“(c) ADMINISTRATION.—In carrying out the activities described in subsection (a), a local educational agency or school shall, to the greatest extent practicable—

“(1) request volunteers from business and academic communities, and law enforcement organizations, such as Police Athletic and Activity Leagues, to serve as mentors as to assist in other ways;

“(2) ensure that youth in the local community participate in designing the after school activities;

“(3) develop creative methods of conducting outreach to youth in the community;

“(4) request donations of computer equipment and other materials and equipment; and

“(5) work with State and local park and recreation agencies so that activities carried out by the agencies prior to the date of enactment of this subsection are not duplicated by activities assisted under this part.

#### SEC. 09. COMMUNITY LEARNING CENTER DEFINED.

Section 10906 of the 21st Century Community Learning Centers Act (20 U.S.C. 8246) is amended in paragraph (2) by inserting “, including law enforcement organizations such as the Police Athletic and Activity League” after “governmental agencies”.

#### SEC. 010. AUTHORIZATION OF APPROPRIATIONS.

Section 10907 of the 21st Century Community Learning Centers Act (20 U.S.C. 8247) is amended by striking “\$20,000,000 for fiscal year 1995” and all that follows and inserting “\$600,000,000 for each of fiscal years 2000 through 2004, to carry out this part.”.

#### SEC. 011. EFFECTIVE DATE.

This title, and the amendments made by this title, take effect on October 1, 1999.

Subtitle C—Sense of the Senate

#### SEC. 31. SENSE OF THE SENATE.

It is the sense of the Senate that the budget resolution shall include annual increases for IDEA part B funding so that the program can be fully funded within the next five years.

These increases shall not come at the expense of other important education programs which also serve children with disabilities.

#### BOXER (AND OTHERS) AMENDMENT NO. 65

Mr. BINGAMAN (for Mrs. BOXER for herself, Mr. DURBIN, Mr. KENNEDY, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. SAR-

BANES, Mr. TORRICELLI, Mr. LAUTENBERG, Mr. KERREY, Mrs. MURRAY, Mr. HOLLINGS, Mr. JOHNSON, and Mr. KERREY) proposed an amendment to the bill, S. 280, supra; as follows:

At the end of the amendment, add the following:

#### SEC. . CLASS SIZE REDUCTION.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended by adding at the end the following:

#### “PART E—CLASS SIZE REDUCTION

##### “SEC. 6601. SHORT TITLE.

“This part may be cited as the ‘Class Size Reduction and Teacher Quality Act of 1999’.

##### “SEC. 6602. FINDINGS.

“Congress finds as follows:

“(1) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than students in larger classes, and that these achievement gains persist through at least the elementary grades.

“(2) The benefits of smaller classes are greatest for lower achieving, minority, poor, and inner-city children. One study found that urban fourth-graders in smaller-than-average classes were  $\frac{3}{4}$  of a school year ahead of their counterparts in larger-than-average classes.

“(3) Teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, cover more material effectively, and are better able to work with parents to further their children’s education.

“(4) Smaller classes allow teachers to identify and work more effectively with students who have learning disabilities and, potentially, can reduce those students’ needs for special education services in the later grades.

“(5) Students in smaller classes are able to become more actively engaged in learning than their peers in larger classes.

“(6) Efforts to improve educational achievement by reducing class sizes in the early grades are likely to be more successful if—

“(A) well-prepared teachers are hired and appropriately assigned to fill additional classroom positions; and

“(B) teachers receive intensive, continuing training in working effectively in smaller classroom settings.

“(7) Several States have begun a serious effort to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring well-prepared teachers.

“(8) The Federal Government can assist in this effort by providing funding for class-size reductions in grades 1 through 3, and by helping to ensure that the new teachers brought into the classroom are well prepared.

##### “SEC. 6603. PURPOSE.

“The purpose of this part is to help States and local educational agencies recruit, train, and hire 100,000 additional teachers over a 7-year period in order to—

“(1) reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per classroom; and

“(2) improve teaching in the early grades so that all students can learn to read independently and well by the end of the third grade.

##### “SEC. 6604. PROGRAM AUTHORIZED.

“(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated, \$1,400,000,000 for fiscal year 2000, \$1,500,000,000 for fiscal year 2001, \$1,700,000,000 for fiscal

year 2002, \$1,735,000,000 for fiscal year 2003, \$2,300,000,000 for fiscal year 2004, and \$2,800,000,000 for fiscal year 2005.

“(b) ALLOTMENTS.—

“(1) IN GENERAL.—From the amount appropriated under subsection (a) for a fiscal year the Secretary—

“(A) shall make a total of 1 percent available to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities that meet the purpose of this part; and

“(B) shall allot to each State the same percentage of the remaining funds as the percentage it received of funds allocated to States for the previous fiscal year under section 1122 or section 2202(b), whichever percentage is greater, except that such allotments shall be ratably decreased as necessary.

“(2) DEFINITION OF STATE.—In this part the term ‘State’ means each of the several States of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

“(3) STATE-LEVEL EXPENSES.—Each State may use not more than a total of  $\frac{1}{2}$  of 1 percent of the amount the State receives under this part, or \$50,000, whichever is greater, for a fiscal year, for the administrative costs of the State educational agency.

“(c) WITHIN STATE DISTRIBUTION.—

“(1) IN GENERAL.—Each State that receives an allotment under this section shall distribute the amount of the allotted funds that remain after using funds in accordance with subsection (b)(3) to local educational agencies in the State, of which—

“(A) 80 percent of such remainder shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency and are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved) for the most recent fiscal year for which satisfactory data is available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year, except that a State may adjust such data, or use alternative child-poverty data, to carry out this subparagraph if the State demonstrates to the Secretary’s satisfaction that such adjusted or alternative data more accurately reflects the relative incidence of children living in poverty within local educational agencies in the State; and

“(B) 20 percent of such remainder shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private non-profit elementary schools and secondary schools in the school districts within the boundaries of such agencies.

“(2) AWARD RULE.—Notwithstanding paragraph (1), a local educational agency that receives a subgrant under this section in an amount less than the starting salary for a new teacher in that agency may use the subgrant funds—

“(A) to form a consortium with one or more other local educational agencies for the purpose of reducing class size;

“(B) to help pay the salary of a full or part-time teacher hired to reduce class size; or

“(C) for professional development related to teaching in smaller classes, if the amount of the subgrant is less than \$1,000.”.

##### “SEC. 6605. USE OF FUNDS.

“(a) IN GENERAL.—Each local educational agency that receives funds under this part

shall use such funds to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement for both regular and special-needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

“(b) CLASS REDUCTION.—

“(1) IN GENERAL.—Each such local educational agency may pursue the goal of reducing class size through—

“(A) recruiting, hiring, and training certified regular and special education teachers and teachers of special-needs children, including teachers certified through State and local alternative routes.

“(B) testing new teachers for academic content knowledge, and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

“(C) providing professional development to teachers, including special education teachers and teachers of special-needs children, consistent with title II of the Higher Education Act of 1965.

“(2) RESTRICTION.—A local educational agency may use not more than a total of 15 percent of the funds received under this part for each of the fiscal years 2000 through 2003 to carry out activities described in subparagraphs (B) and (C) of paragraph (1), and may not use any funds received under this part for fiscal year 2004 or 2005 for those activities.

“(3) SPECIAL RULE.—A local educational agency that has already reduced class size in the early grades to 18 or fewer children may use funds received under this part—

“(A) to make further class-size reductions in grades 1 through 3;

“(B) to reduce class size in kindergarten or other grades; or

“(C) to carry out activities to improve teacher quality, including professional development activities.

“(c) SUPPLEMENT NOT SUPPLANT.—A local educational agency shall use funds under this part only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this part.

“(d) PROHIBITION.—No funds made available under this part may be used to increase the salaries of or provide benefits to (other than participation in professional development and enrichment programs) teachers who are, or have been, employed by the local educational agency.

“(e) PROFESSIONAL DEVELOPMENT.—If a local educational agency uses funds made available under this part for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary and secondary schools in such activities. Section 6402 shall not apply to other activities under this section.

“(f) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this part may use not more than 3 percent of such funds for local administrative expenses.

#### “SEC. 6606. COST-SHARING REQUIREMENT.

“(a) FEDERAL SHARE.—The Federal share of the cost of activities carried out under this part—

“(1) may be up to 100 percent in local educational agencies with child-poverty levels of 50 percent or greater; and

“(2) shall be no more than 65 percent for local educational agencies with child-poverty rates of less than 50 percent.

“(b) LOCAL SHARE.—A local educational agency shall provide the non-Federal share of a project under this part through cash expenditures from non-Federal sources, except that if an agency has allocated funds under

section 1113(c) to one or more schoolwide programs under section 1114, it may use those funds for the non-Federal share of activities under this program that benefit those schoolwide programs, to the extent consistent with section 1120A(c) and notwithstanding section 1114(a)(3)(B).

#### “SEC. 6607. REQUEST FOR FUNDS.

“Each local educational agency that desires to receive funds under this part shall include in the application submitted under section 6303 a description of the agency's program under this part to reduce class size by hiring additional highly qualified teachers.

#### “SEC. 6608. REPORTS.

“(a) STATE.—Each State receiving funds under this part shall report on activities in the State under this section, consistent with section 6202(a)(2).

“(b) SCHOOL.—Each school receiving assistance under this part, or the local educational agency serving that school, shall produce an annual report to parents, the general public, and the State educational agency, in easily understandable language, regarding student achievement that is a result of hiring additional highly qualified teachers and reducing class size.”

Subtitle C—Sense of the Senate

#### SEC. 31. SENSE OF THE SENATE.

It is the sense of the Senate that the budget resolution shall include annual increases for IDEA Part B Funding so that the program can be fully funded within the next five years.

These increases shall not come at the expense of other important education programs which also serve children with disabilities.

#### LOTT (AND OTHERS) AMENDMENT NOS. 66-67

Mr. JEFFORDS (for Mr. LOTT for himself, Mr. JEFFORDS, Mr. GREGG, Ms. COLLINS, Mr. FRIST, and Mr. SESSIONS) proposed two amendments to the bill, S. 280, supra, as follows:

At the end, add the following:

#### SEC. . IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop dropout prevention programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

“(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411, et seq.) in accordance with the requirements of such part.”

#### SEC. . AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated \$150,000,000 to carry out such part.

At the end, add the following:

#### SEC. . IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop after school programs, or

any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

“(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.”

#### SEC. . AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated \$600,000,000 to carry out such part.

#### LOTT (AND ASHCROFT) AMENDMENT NO. 68

Mr. JEFFORDS (for Mr. LOTT for himself and Mr. ASHCROFT) proposed an amendment to the bill, S. 280, supra; as follows:

At the end, add the following:

#### SEC. . IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop programs to reduce social promotion, establish school accountability procedures, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

“(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.”

#### SEC. . ALTERNATIVE EDUCATIONAL SETTING.

(a) IN GENERAL.—Section 615(k)(1)(A)(ii)(I) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)(I)) is amended to read as follows:

“(I) the child carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or”

(b) APPLICATION.—The amendment made by subsection (a) shall apply to conduct occurring not earlier than the date of enactment of this Act.

On page 13, line 14, strike “and”.

On page 13, line 15, strike “all interested” and insert “parents, educators, and all other interested”.

On page 13, line 17, strike the period and insert “,” shall provide that opportunity in accordance with any applicable State law specifying how the comments may be received, and shall submit the comments received with the agency's application to the Secretary or the State educational agency, as appropriate.”

At the end, add the following:

#### SEC. . AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to



be appropriated \$500,000,000 to carry out such part.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, March 10, 1999. The purpose of this meeting will be to review the nature of agricultural production and financial risk, the role of insurance and futures markets, and what is and what should be the Federal Government's role in helping farmers manage risk.

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

##### COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, March 10, 1999, at 2:30 p.m., in open session, to examine lift requirements versus capabilities for the Marine Corps and the Army.

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet on Wednesday, March 10, 1999, at 10:00 a.m. on pending committee business.

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

##### COMMITTEE ON FINANCE

Mr. JEFFORDS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, March 10, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 10, 1999, at 10:00 a.m. to hold a hearing.

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

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "What Works: Education Research" during the session of the Senate on Wednesday, March 10, 1999, at 9:30 a.m.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 10, 1999 at

2:30 p.m. to hold a closed hearing on Intelligence Matters.

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

##### SUBCOMMITTEE ON AIRLAND FORCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 10, 1999, at 2:30 p.m. in open session, to receive testimony on tactical aircraft modernization programs.

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

##### SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, March 10, 1999, in open session, to receive testimony on the condition of the services' infrastructure and real property maintenance programs for fiscal year 2000.

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

#### THE 40TH ANNIVERSARY OF THE 1959 TIBETAN UPRISING

• Mr. FEINGOLD. Mr. President, today we mark a tragic anniversary, 40 years after His Holiness the Dalai Lama and more than 100,000 Tibetans were forced to flee their homeland as a result of brutal suppression by the Chinese government.

Tibetans were driven from their homes, freedom was driven from Tibet, and the Chinese Government began in earnest its campaign to destroy Tibet's culture, religion, and national identity.

But this campaign will never succeed, because Tibet, and the human rights of the Tibetan people, are not China's for the taking. It's been said that "a right is not what someone gives you; it's what no one can take from you." The Tibetan people have a right to their freedom, a right to openly practice their religion, and a right to live with dignity and without fear.

These human rights—that belong to Tibetans, and to people everywhere—bind us to the Tibetan people with a tie stronger than the Chinese government's oppression, mightier than the Chinese government's policies of destruction, and more powerful than the Chinese or any government's attempt to take that which cannot be taken—the dignity of the human spirit.

I am calling on the Administration to pursue a resolution condemning China's human rights practices in China and Tibet at the upcoming U.N. Commission on Human Rights in Geneva, an action the Senate unanimously endorsed by recorded vote in late February. Only through strong U.S. leadership can we build the international consensus necessary to pressure China to provide the basic human rights the Tibetan people deserve. The time to

press for these fundamental rights is now and the place is the U.N. Commission on Human Rights in Geneva. •

#### GINNIE MAE GUARANTY FEE

• Mr. GORTON. Mr. President, my colleague, Senator GRAMS, introduced S. Con. Res. 16 last week. I am a cosponsor of that legislation expressing the Sense that the Government National Mortgage Association (Ginnie Mae) guaranty fee should not be increased.

Ginnie Mae was established to help provide affordable homeownership opportunities for all Americans by facilitating the sale of securities backed by mortgages insured or guaranteed by the Federal Housing Administration, the Department of Veteran's Affairs, and the Rural Housing Service. The Ginnie Mae guaranty assures investors in the securities that they will receive all payments due in a timely manner. Ginnie Mae assesses a fee on lenders who issue such securities and notes for this guaranty. Currently, lenders are charged six basis points per loan.

The Ginnie Mae mortgage-backed securities program has been a universal success. Almost 19 million homes have been financed through Ginnie Mae securities. Ginnie Mae creates a way for Americans who are unable to find other financing options to partake in the dream of homeownership. More than 95 percent of all FHA and VA mortgages are securitized through Ginnie Mae. It is no secret that first-time homebuyers comprise more than two-thirds of FHA home purchase loans and that about 34 percent of FHA borrowers are minorities. In its most basic form, Ginnie Mae creates homeownership opportunities for those borrowers who are typically unserved or underserved by the conventional mortgage markets.

During the last Congress, there were several attempts to increase the Ginnie Mae guaranty fee. Fortunately, most of these attempts failed. However, an increase of three basis points was adopted during deliberations on the Higher Education Reauthorization Act effective in 2004. All of the attempts sought to use the revenue gained by the increase to pay for spending elsewhere. This pattern must be stopped. Not only should Congress refuse to raise the guaranty fee under any circumstances, but it should also seek to have this arbitrary increase repealed prior to effect.

I believe that any increase in the Ginnie Mae guaranty fee is an unnecessary tax on homeownership that would cost homebuyers hundreds of dollars in additional expense at closing and prevent thousands of families from achieving the dream of homeownership. It would defeat the very mission of Ginnie Mae.

In addition, an increase in the Ginnie Mae guaranty fee has absolutely no financial basis. Recently, the independent auditor, KPMG, confirmed that Ginnie Mae is financially sound. In fact, Ginnie Mae had a record profit of