

(1) PUBLIC SCHOOL SYSTEM INFORMATION.—The following information related to the public school system of each State:

(A) The number of school districts, public elementary schools, public secondary schools, and students in the system.

(B)(i) For each such school district and school—

(I) information stating the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students, disaggregated by groups described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(C) The average per-pupil expenditure (both in actual dollars and adjusted for cost and need) for the State and for each school district in the State.

(D) Each school district's decile ranking as measured by achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(E) For each school district, public elementary school, and public secondary school—

(i) the level of access (as described in section 111(a)(1)) to each of the fundamentals of educational opportunity described in section 102;

(ii) the percentage of students that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)); and

(iii) whether the school district or school is making adequate yearly progress—

(I) as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); and

(II) as defined by the State under section 111(b)(1)(A).

(F) For each State, the number of public elementary schools and secondary schools that lack, and names of each such school that lacks, high access (as described in section 111(a)(1)(A)) to any of the fundamentals of educational opportunity described in section 102.

(G) For the year covered by the report, a summary of any changes in the data required in subparagraphs (A) through (F) for each of the preceding 3 years (which may be based on such data as are available, for the first 3 reports submitted under subsection (a)).

(H) Such other information as the Secretary considers useful and appropriate.

(2) STATE ACTIONS.—For each State that the Secretary determines under section 101(b) maintains a public school system that fails to meet the requirements of section 101(a), a detailed description and evaluation of the success of any actions taken by the State, and measures proposed to be taken by the State, to meet the requirements.

(3) STATE PLANS.—A copy of each State's most recent plan submitted under section 111(a)(1).

(4) RELATIONSHIP BETWEEN COMPLIANCE AND ACHIEVEMENT.—An analysis of the relationship between meeting the requirements of section 101(a) and improving student academic achievement, as measured on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(c) SCOPE OF REPORT.—The report required under subsection (a) shall cover the school year ending in the calendar year in which the report is required to be submitted.

(d) SUBMISSION OF DATA TO SECRETARY.—Each State receiving Federal financial assistance for elementary and secondary education shall submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, such data as the Secretary determines to be necessary to make a determination under section 101(b) and to submit the report under this section. Such data shall include the information used to measure the State's success in providing the fundamentals of educational opportunity described in section 102.

(e) FAILURE TO SUBMIT DATA.—If a State fails to submit the data that the Secretary determines to be necessary to make a determination under section 101(b) regarding whether the State maintains a public school system that meets the requirements of section 101(a)—

(1) such State's public school system shall be deemed not to have met the applicable requirements until the State submits such data and the Secretary is able to make such determination under section 101(b); and

(2) the Secretary shall provide, to the extent practicable, the analysis required in subsection (a) for the State based on the best data available to the Secretary.

(f) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the report required under subsection (a).

#### Subtitle D—Remedy

#### SEC. 131. CIVIL ACTION FOR ENFORCEMENT.

A student or parent of a student aggrieved by a violation of this Act may bring a civil action against the appropriate official in an appropriate Federal district court seeking declaratory or injunctive relief to enforce the requirements of this Act, together with reasonable attorney's fees and the costs of the action.

#### TITLE II—EFFECTS OF EDUCATIONAL DISPARITIES ON ECONOMIC GROWTH AND NATIONAL DEFENSE

#### SEC. 201. EFFECTS ON ECONOMIC GROWTH AND PRODUCTIVITY.

(a) STUDY.—The Commissioner of Education Statistics, in consultation with the Secretary of Commerce, Secretary of Labor, Secretary of the Treasury, and the National Research Council of the National Academy of Sciences, shall conduct a comprehensive study concerning the effects on economic growth and productivity of ensuring that each State public school system meets the requirements of section 101(a). Such study shall include assessments of—

(1) the economic costs to the Nation resulting from the maintenance by States of public school systems that do not meet the requirements of section 101(a);

(2) the economic gains to be expected from States' compliance with the requirements of section 101(a); and

(3) the costs, if any, of ensuring that each State maintains a public school system that meets the requirements of section 101(a).

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Education Statistics shall submit to Congress a final report detailing the results of the study required under subsection (a).

#### SEC. 202. EFFECTS ON NATIONAL DEFENSE.

(a) STUDY.—The Commissioner of Education Statistics, in consultation with the Secretary of Defense, shall conduct a comprehensive study concerning the effects on national defense of ensuring that each State public school system meets the requirements

of section 101(a). Such study shall include assessments of—

(1) the detriments to national defense resulting from the maintenance by States of public school systems that do not meet the requirements of section 101(a), including the effects on—

(A) knowledge and skills necessary for the effective functioning of the Armed Forces;

(B) the costs to the Armed Forces of training; and

(C) efficiency resulting from the use of sophisticated equipment and information technology; and

(2) the gains to national defense to be expected from ensuring that each State public school system meets the requirements of section 101(a).

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Education Statistics shall submit to Congress a final report detailing the results of the study required under subsection (a).

#### TITLE III—GENERAL PROVISIONS

#### SEC. 301. DEFINITIONS.

In this Act:

(1) REFERENCED TERMS.—The terms “elementary school”, “secondary school”, “local educational agency”, “highly qualified”, “core academic subjects”, “parent”, and “average per-pupil expenditure” have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) FEDERAL ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.—The term “Federal elementary and secondary education programs” means programs providing Federal financial assistance for elementary or secondary education, other than programs under the following provisions of law:

(A) The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).

(C) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(D) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(3) PUBLIC SCHOOL SYSTEM.—The term “public school system” means a State's system of public elementary and secondary education.

(4) STATE.—The term “State” means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

#### SEC. 302. RULEMAKING.

The Secretary may prescribe regulations to carry out this Act.

#### SEC. 303. CONSTRUCTION.

Nothing in this Act shall be construed to require a jurisdiction to increase its property tax or other tax rates or to redistribute revenues from such taxes.

#### STATEMENTS ON SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 322—DESIGNATING NOVEMBER 2002, AS “NATIONAL EPILEPSY AWARENESS MONTH”

Mrs. LINCOLN (for herself, Ms. COLINS, Ms. LANDRIEU, Mr. HUTCHINSON, and Mr. FITZGERALD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 322

Whereas epilepsy is a neurological condition affecting 2,300,000 people in the United States;

Whereas a seizure is a disturbance in the electrical activity of the brain, and 25,000,000 Americans (1 in every 10) will have at least 1 seizure during their lives;

Whereas 180,000 new cases of seizures and epilepsy are diagnosed each year, and 3 percent of Americans will have developed epilepsy by the time they are 75;

Whereas 41 percent of people who currently have epilepsy experience persistent seizures despite the treatment they are receiving;

Whereas a survey sponsored by the Centers for Disease Control and Prevention shows that the burden of disease for people with epilepsy is comparable to that experienced by people with cancer, diabetes, and arthritis;

Whereas epilepsy in older children and adults remains a formidable barrier to a normal life, affecting education, employment, marriage, childbearing, and personal fulfillment;

Whereas stigma surrounding epilepsy continues to fuel discrimination and isolates people with seizure disorders from the mainstream life;

Whereas in spite of these obstacles, epileptics can live healthy and productive lives and go on to make significant contributions to society;

Whereas we must ensure that funding for epilepsy research programs at the National Institutes of Health, and for epilepsy programs at the Centers for Disease Control and Prevention must continue to increase; and

Whereas we must ensure that people with epilepsy in underserved and unserved areas of the country have access to appropriate care, and to this end it is essential that the epilepsy program at the Health Resources and Services Administration receive initial funding to create demonstration projects to improve access to services in those communities: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates November 2002, as “National Epilepsy Awareness Month”; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

Mrs. LINCOLN. Mr. President, today I would like to submit a resolution about an important health disorder which affects 2.3 million Americans and 40,000 people in Arkansas. I am referring to epilepsy.

Epilepsy is a chronic neurological disorder; people with this disorder may have seizures which may be as brief as a few seconds, or as traumatic as several minutes and visibly distracting. Several months ago, I had the opportunity to meet with a young man from Arkansas who has epilepsy and is a spokesperson for the Epilepsy Foundation, as part of their Winning Kids program, representing 300,000 children with this disease. Additionally, he is a role model for his peers in Arkansas due to his courage. His name is Bryan Raymond. As he said in a speech to other children in March, “We are all different. Some of us hardly ever have seizures. Some of us have lots and lots of seizures. But we all want the same things. We want to be busy and happy. We want to go to school. We want to have friends. We want to play and have fun. We want other kids to understand what seizures are, and to respect us.” The one thing he asked me, and I ask of you is that we teach our children

and our communities about a better understanding about this disease. School-age children have a better understanding of HIV/AIDS and cancer than epilepsy. We must educate our children about this disease in order to allow these patients to thrive.

In addition to the touching conversation I had with Bryan and his mother earlier this year, this disease is even closer to home for me. A young woman on my staff is diagnosed with this condition. Amy is here with me today for several reasons. First, she has provided a good first-hand account/knowledge of what epilepsy is and how it affects daily life. Second, she signifies the success which epileptics can have, like people from every other walk of life, when dealing with chronic conditions. To that end, this resolution is intended to serve two goals: to raise awareness about this disease, which in turn affects perception/stereotypes, and to increase funding for the long-term research for and care of patients.

Presently, doctors tell their patients that there is no cure for epilepsy. Rather the solution is long-term medication or surgery. It is critical that we increase the funding committed to epilepsy. As far as we have advanced in other areas of medicine, even other neurological disorders, we must give equal time and resources to a cure for epilepsy.

I would like to move that we establish the month of November as National Epilepsy Awareness Month. This is one small step toward the larger goal of overcoming epilepsy. As with other chronic illnesses, overcoming epilepsy is achieved in part through perception and part through science and medicine. Cancer, which was previously stigmatized to be terminal, is now more candidly discussed among patients and families and leagues ahead in research. I hope that this will be true as well with epilepsy.

I urge my colleagues to support the resolution.

#### SENATE RESOLUTION 323—TO AUTHORIZE TESTIMONY AND REPRESENTATION I SENATOR MITCH MCCONNELL, ET. AL. V. FEDERAL ELECTION COMMISSION, ET. AL. AND CONSOLIDATION CASES

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

##### S. RES. 323

Whereas, in the case of Senator Mitch McConnell, et al. v. Federal Election Commission, et al., No. 02-CV-582, and consolidated cases, pending in the United States District Court for the District of Columbia, notices for the taking of depositions have been served on Senator Mitch McConnell, who is a plaintiff, and Senators Olympia Snowe, James Jeffords, John McCain, and Russell Feingold, who are intervenor-defendants;

Whereas, pursuant to sections 703(c) and 706(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(c) and 288e(a), the Sen-

ate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal proceeding in which the powers and responsibilities of Congress under the Constitution are placed in issue;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That, in the case of Senator Mitch McConnell, et al. v. Federal Election Commission, et al., and consolidated cases, Senators Mitch McConnell, Olympia Snowe, James Jeffords, John McCain, and Russell Feingold, and any other Senator who agrees to participate in this litigation, are authorized to testify, except concerning matters for which a privilege should be asserted and when their attendance at the Senate is necessary for the performance of their legislative duties.

SEC. 2. That the Senate Legal Counsel is authorized to appear as amicus curiae in the name of the Senate in the case of Senator Mitch McConnell, et al. v. Federal Election Commission, et al., and consolidated cases, the represent the interests of the Senate in connection with discovery sought from Senators in these cases.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4493. Mr. BYRD (for Mrs. MURRAY) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

SA 4494. Mr. BURNS (for Mr. CAMPBELL) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, *supra*.

SA 4495. Mr. BYRD (for Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. FRIST)) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, *supra*.

SA 4496. Mr. BURNS (for Ms. COLLINS (for himself and Ms. SNOWE)) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, *supra*.

SA 4497. Mr. BYRD (for Mr. GRAHAM (for himself and Mr. NELSON, of Florida)) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, *supra*.

SA 4498. Mr. BURNS (for Mrs. HUTCHISON) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, *supra*.

SA 4499. Mr. BURNS (for Mr. KYL) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, *supra*.

SA 4500. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, *supra*; which was ordered to lie on the table.

SA 4501. Mr. GRASSLEY submitted an amendment intended to be proposed to