

SENATE RESOLUTION 359—DESIGNATING THE WEEK OF APRIL 11 THROUGH APRIL 17, 2004, AS “FREE ENTERPRISE EDUCATION WEEK”

Mr. COLEMAN submitted the following resolution; which was considered and agreed to:

S. RES. 359

Whereas the United States values the free enterprise system as its basic economic system;

Whereas the elementary schools and secondary schools of the United States should strive to educate their students about the importance of the free enterprise system;

Whereas an understanding of the free market system by the youth of the United States is necessary to the United States' long-term economic growth;

Whereas companies, student organizations, and teachers in the United States are willing and able to participate in educating young people about free markets and opportunities; and

Whereas many organizations, such as Students in Free Enterprise, have developed programs to teach and encourage entrepreneurship among students: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of April 11 through April 17, 2004, as “Free Enterprise Education Week”;

(2) encourages schools and businesses in the United States to educate students about the free enterprise system; and

(3) requests that the President issue a proclamation calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs.

SENATE CONCURRENT RESOLUTION 107

Mr. LIEBERMAN submitted the following concurrent resolution; which was considered and agreed to:

Whereas Congress hosted the first American Association for the Advancement of Science (AAAS) Congressional Science and Engineering Fellows in 1973;

Whereas the AAAS Congressional Science and Engineering Fellowship Program was the first to provide an opportunity for Ph.D.-level scientists and engineers to learn about the policymaking process while bolstering the technical expertise available to members of Congress and their staff;

Whereas members of Congress hold the AAAS Congressional Science and Engineering Fellowship Program in high regard for the substantial contributions that AAAS Congressional Science and Engineering Fellows have made, serving both in personal offices and on committee staff;

Whereas Congress is increasingly involved in public policy issues of a scientific and technical nature, and recognizes the need to develop additional in-house expertise in the areas of science and engineering;

Whereas more than 800 individuals have held AAAS Congressional Science and Engineering Fellowships since 1973;

Whereas the AAAS Congressional Science and Engineering Fellows represent the full range of physical, biological, and social sciences and all fields of engineering;

Whereas the AAAS Congressional Science and Engineering Fellows bring to Congress new insights and ideas, extensive knowledge, and perspectives from a variety of disciplines;

Whereas the AAAS Congressional Science and Engineering Fellows learn about legisla-

tive, oversight, and investigative activities through assignments that offer a wide array of responsibilities;

Whereas AAAS Congressional Science and Engineering Fellowships provide an opportunity for scientists and engineers to transition into careers in government service; and

Whereas many former AAAS Congressional Science and Engineering Fellows return to their disciplines and share knowledge with students and peers to encourage more scientists and engineers to participate in informing government processes: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the significance of the 30th anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program;

(2) acknowledges the value of over 30 years of participation in the legislative process by the AAAS Congressional Science and Engineering Fellows; and

(3) reaffirms its commitment to support the use of science in governmental decision-making through the AAAS Congressional Science and Engineering Fellowship Program.

SENATE CONCURRENT RESOLUTION 108—SUPPORTING THE GOALS AND IDEALS OF TINNITUS AWARENESS WEEK

Mr. LIEBERMAN (for himself, Mrs. LINCOLN, and Mr. WYDEN) submitted the following concurrent resolution; which was considered and agreed to:

Whereas 50,000,000 individuals in the United States have experienced tinnitus, the perception of noises or ringing in the ears and head when no external sound source is present;

Whereas 12,000,000 individuals in the United States experience tinnitus to an incessant and debilitating degree, such that the sounds in their ears and heads never abate, forcing them to seek assistance from a health care professional;

Whereas tinnitus is frequently caused by exposure to loud noises in the workplace, where an estimated 30,000,000 individuals in the United States are exposed to injurious levels of noise each day, and where noise-induced hearing loss is the most common occupational injury;

Whereas tinnitus is also caused by exposure to loud noises in recreational settings, where levels of sound can reach traumatic levels, and where individuals frequently are not aware that temporary ringing in the ears can become permanent after continued exposure to loud levels of sound;

Whereas in many cases, simply wearing proper hearing protection would protect individuals from damaging their hearing;

Whereas many individuals with tinnitus are told that the only solution to their condition is to learn to live with it, even though treatments for tinnitus are available that can help reduce the stress of the incessant ringing and increase the coping skills and quality of life for individuals who experience this condition; and

Whereas the American Tinnitus Association has designated the week beginning May 15, 2004, as the first National Tinnitus Awareness Week, in order to raise public awareness and to further its mission to silence tinnitus through education, advocacy, research, and support: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of National Tinnitus Awareness Week, as des-

ignated by the American Tinnitus Association;

(2) encourages interested groups and affected persons to promote public awareness of tinnitus, the dangers of loud noise, and the importance of hearing protection for all individuals; and

(3) commits to continuing its support of innovative hearing health research through the National Institutes of Health, particularly through the National Institute on Deafness and Other Communication Disorders, so that treatments for tinnitus can be refined and a cure for tinnitus can be discovered.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3144. Mr. HARKIN (for himself, Mr. HAGEL, Mr. KENNEDY, Ms. COLLINS, Mr. JEFFORDS, Mr. COLEMAN, Mrs. CLINTON, Mr. ROBERTS, Ms. MIKULSKI, Mr. DODD, Mr. REED, Ms. STABENOW, Mr. LEVIN, Mr. ROCKEFELLER, Mr. CORZINE, Mr. SCHUMER, Mr. WARNER, Ms. MURKOWSKI, Mr. JOHNSON, Mrs. LINCOLN, and Mr. PRYOR) proposed an amendment to the bill S. 1248, to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

SA 3145. Mr. GREGG proposed an amendment to the bill S. 1248, *supra*.

SA 3146. Mrs. CLINTON proposed an amendment to the bill S. 1248, *supra*.

SA 3147. Mr. GREGG (for himself, Mr. ENZI, and Mr. GRASSLEY) proposed an amendment to the bill S. 1248, *supra*.

SA 3148. Mrs. MURRAY (for herself, Mr. DEWINE, and Mr. FEINGOLD) proposed an amendment to the bill S. 1248, *supra*.

SA 3149. Mr. GREGG (for Mr. SANTORUM) proposed an amendment to the bill S. 1248, *supra*.

TEXT OF AMENDMENTS

SA 3144. Mr. HARKIN (for himself, Mr. HAGEL, Mr. KENNEDY, Ms. COLLINS, Mr. JEFFORDS, Mr. COLEMAN, Mrs. CLINTON, Mr. ROBERTS, Ms. MIKULSKI, Mr. DODD, Mr. REED, Ms. STABENOW, Mr. LEVIN, Mr. ROCKEFELLER, Mr. CORZINE, Mr. SCHUMER, Mr. WARNER, Ms. MURKOWSKI, Mr. JOHNSON, Mrs. LINCOLN, and Mr. PRYOR) proposed an amendment to the bill S. 1248, to reauthorize the Individuals with Disabilities Education Act, and for other purposes; as follows:

In section 611 of the Individuals with Disabilities Education Act (as amended by section 101 of the bill) strike subsection (i) and insert the following:

“(i) FUNDING.—

“(1) IN GENERAL.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated—

“(A) \$12,268,000,000 or the maximum amount available for awarding grants under subsection (a)(2), whichever is lower, for fiscal year 2005, and, there are hereby appropriated \$2,200,000,000 for fiscal year 2005, which shall become available for obligation on July 1, 2005 and shall remain available through September 30, 2006, except that if the maximum amount available for awarding grants under subsection (a)(2) is less than \$12,268,000,000, then the amount appropriated in this subparagraph shall be reduced by the difference between \$12,268,000,000 and the maximum amount available for awarding grants under subsection (a)(2);

“(B) \$14,468,000,000 or the maximum amount available for awarding grants under subsection (a)(2), whichever is lower, for fiscal year 2006, and, there are hereby appropriated \$4,400,000,000 for fiscal year 2006,

which shall become available for obligation on July 1, 2006 and shall remain available through September 30, 2007, except that if the maximum amount available for awarding grants under subsection (a)(2) is less than \$14,468,000,000, then the amount appropriated in this subparagraph shall be reduced by the difference between \$14,468,000,000 and the maximum amount available for awarding grants under subsection (a)(2);

“(C) \$16,668,000,000 or the maximum amount available for awarding grants under subsection (a)(2), whichever is lower, for fiscal year 2007, and, there are hereby appropriated \$6,600,000,000 for fiscal year 2007, which shall become available for obligation on July 1, 2007 and shall remain available through September 30, 2008, except that if the maximum amount available for awarding grants under subsection (a)(2) is less than \$16,668,000,000, then the amount appropriated in this subparagraph shall be reduced by the difference between \$16,668,000,000 and the maximum amount available for awarding grants under subsection (a)(2);

“(D) \$18,868,000,000 or the maximum amount available for awarding grants under subsection (a)(2), whichever is lower, for fiscal year 2008, and, there are hereby appropriated \$8,800,000,000 for fiscal year 2008, which shall become available for obligation on July 1, 2008 and shall remain available through September 30, 2009, except that if the maximum amount available for awarding grants under subsection (a)(2) is less than \$18,868,000,000, then the amount appropriated in this subparagraph shall be reduced by the difference between \$18,868,000,000 and the maximum amount available for awarding grants under subsection (a)(2);

“(E) \$21,068,000,000 or the maximum amount available for awarding grants under subsection (a)(2), whichever is lower, for fiscal year 2009, and, there are hereby appropriated \$11,000,000,000 for fiscal year 2009, which shall become available for obligation on July 1, 2009 and shall remain available through September 30, 2010, except that if the maximum amount available for awarding grants under subsection (a)(2) is less than \$21,068,000,000, then the amount appropriated in this subparagraph shall be reduced by the difference between \$21,068,000,000 and the maximum amount available for awarding grants under subsection (a)(2); and

“(F) the maximum amount available for awarding grants under subsection (a)(2) for fiscal year 2010 and each succeeding fiscal year, and, there are hereby appropriated for each such year an amount equal to the maximum amount available for awarding grants under subsection (a)(2) for the fiscal year for which the determination is made minus \$10,068,000,000, which shall become available for obligation on July 1 of the fiscal year for which the determination is made and shall remain available through September 30 of the succeeding fiscal year.

“(2) REAUTHORIZATION.—Nothing in this subsection shall be construed to prevent or limit the authority of Congress to reauthorize the provisions of this Act.

SA 3145. Mr. GREGG proposed an amendment to the bill S. 1248, to reauthorize the Individuals with Disabilities Education Act, and for other purposes; as follows:

On page 443, strike lines 3 and 4, and insert the following:

there are authorized to be appropriated—

- “(1) \$12,358,376,571 for fiscal year 2005;
- “(2) \$14,648,647,143 for fiscal year 2006;
- “(3) \$16,938,917,714 for fiscal year 2007;
- “(4) \$19,229,188,286 for fiscal year 2008;
- “(5) \$21,519,458,857 for fiscal year 2009;
- “(6) \$23,809,729,429 for fiscal year 2010;

“(7) \$26,100,000,000 for fiscal year 2011; and

“(8) such sums as may be necessary for fiscal year 2012 and each succeeding fiscal year.

SA 3146. Mrs. CLINTON proposed an amendment to the bill S. 1248, to reauthorize the Individuals with Disabilities Education Act, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. AMENDMENT TO CHILDREN'S HEALTH ACT OF 2000.

Section 1004 of the Children's Health Act of 2000 (42 U.S.C. 285g note) is amended—

(1) in subsection (b), by striking “Agency” and inserting “Agency, and the Department of Education”; and

(2) in subsection (c)—

(A) in paragraph (2), by striking “and” after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) be conducted in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), including the requirement of prior parental consent for the disclosure of any education records, except without the use of authority or exceptions granted to authorized representatives of the Secretary of Education for the evaluation of Federally-supported education programs or in connection with the enforcement of the Federal legal requirements that relate to such programs.”.

SA 3147. Mr. GREGG (for himself, Mr. ENZI, and Mr. GRASSLEY) proposed an amendment to the bill S. 1248, to reauthorize the Individuals with Disabilities Education Act, and for other purposes; as follows:

On page 558, strike lines 7 through 12, and insert the following:

“(B) AWARD OF ATTORNEYS' FEES.—

“(i) IN GENERAL.—In any action or proceeding brought under this section, the court, in its discretion, may award reasonable attorneys' fees as part of the costs—

“(I) to a prevailing party who is the parent of a child with a disability;

“(II) to a prevailing party who is a State educational agency or local educational agency against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or

“(III) to a State educational agency or local educational agency against the attorney of a parent, or against the parent, if the parent's complaint or subsequent cause of action was presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

“(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to affect section 432 of the District of Columbia Appropriations Act, 2004.

SA 3148. Mrs. MURRAY (for herself, Mr. DEWINE, and Mr. FEINGOLD) proposed an amendment to the bill S. 1248, to reauthorize the Individuals with Disabilities Education Act, and for other purposes; as follows:

In section 602 of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike paragraph (22) and insert the following:

“(22) PARENT.—

“(A) IN GENERAL.—The term ‘parent’—

“(i) means—

“(I) a natural or adoptive parent of a child;

“(II) a guardian (but not the State if the child is a ward of the State);

“(III) an individual acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative with whom the child lives or an individual who is legally responsible for the child's welfare; or

“(IV) except as used in sections 615(b)(2) and 639(a)(5), an individual assigned under either of those sections to be a surrogate parent; and

“(ii) in the case of a homeless child who is not in the physical custody of a parent or guardian, includes a related or unrelated adult with whom the child is living or other adult jointly designated by the child and the local educational agency liaison for homeless children and youths (designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act), in addition to other individuals permitted by law.

“(B) FOSTER PARENT.—Unless State law prohibits a foster parent from acting as a parent, the term ‘parent’ includes a foster parent if—

“(i) the natural or adoptive parents' authority to make educational decisions on the child's behalf has been extinguished under State law; and

“(ii) the foster parent—

“(I) has an ongoing, long-term parental relationship with the child;

“(II) is willing to make the educational decisions required of parents under this Act; and

“(III) has no interest that would conflict with the interests of the child.

In section 602 of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

“(34) CHILD WITH A DISABILITY IN A MILITARY FAMILY.—The term ‘child with a disability in a military family’ means a child with a disability who has a parent who is a member of the Armed Forces, including a member of the National Guard or Reserves.

“(35) HOMELESS CHILDREN.—The term ‘homeless children’ has the meaning given the term ‘homeless children and youths’ in section 725 of the McKinney-Vento Homeless Assistance Act.

“(36) WARD OF THE STATE.—The term ‘ward of the State’ means a child who, as defined by the State where the child resides, is a foster child, a ward of the State or is in the custody of a public child welfare agency.

In section 612(a)(3)(A) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike “disabilities attending” and insert “disabilities who are homeless children or are wards of the State and children with disabilities attending”.

In section 612(a)(20)(B)(i) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike the semicolon at the end and insert “, including not less than 1 foster parent of a child with disabilities who is a ward of the State, not less than 1 grandparent or other relative who is acting in the place of a natural or adoptive parent, and not less than 1 representative of children with disabilities in military families;”.

In section 612(a)(20)(B)(v) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike the semicolon at the end and insert “, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act;”.

In section 612(a)(20)(B) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

“(xi) representatives from the State child welfare agency; and

“(xii) a representative of wards of the State who are in foster care, such as an attorney for children in foster care, a guardian ad litem, a court appointed special advocate, or a judge.

In section 614(a)(1)(D) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), after clause (iii) insert the following:

“(iv) EXCEPTION FOR WARDS OF THE STATE.—The agency shall not be required to obtain an informed consent from the parents of a child for an initial evaluation to determine whether the child is a child with a disability if such child is a ward of the State and is not residing with the child’s parent and consent has been given by an individual who has appropriate knowledge of the child’s educational needs, including the judge appointed to the child’s case or the child’s attorney, guardian ad litem, or court appointed special advocate.

In section 614(b)(3) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

“(D) assessments of children with disabilities, including homeless children with disabilities who are wards of the State, and children with disabilities in Military families, who transfer from 1 school district to another school district in the same academic year, are—

“(i) coordinated with such children’s prior and subsequent schools as necessary to ensure timely completion of full evaluations; and

“(ii) completed within time limits—

“(I) established for all students by Federal law or State plans; and

“(II) that computes the commencement of time from the date on which such children are first referred for assessments in any local educational agency.

In section 614(d)(1)(B) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

“(viii) if the child is a ward of the State, another individual with appropriate knowledge of the child’s educational needs, such as a foster parent, a relative with whom the child lives who acts as a parent to the child, an attorney for the child, a guardian ad litem, a court appointed special advocate, a judge, or an education surrogate.

In section 614(d)(2) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

“(C) PROGRAM FOR CHILDREN WHO TRANSFER SCHOOL DISTRICTS.—

“(i) IN GENERAL.—In the case of a child with a disability, including a homeless child with a disability or a child with a disability who is a ward of the state, or a child with a disability in a military family, who transfers school districts within the same academic year, who enrolls in a new school and who had an IEP that was in effect in the same or another State, the local educational agency, State educational agency, or other State agency, as the case may be, shall immediately provide such child with a free appropriate public education, including comparable services identified in the previously held IEP and in consultation with the parents until such time as the local educational agency, State educational agency, or other State agency, as the case may be, adopts the previously held IEP or develops, adopts, and implements a new IEP that is consistent with Federal and State law.

“(ii) TRANSMITTAL OF RECORDS.—To facilitate the transition for a child described in clause (i), the new school in which the child

enrolls shall immediately request the child’s records from the previous schools in which the child was enrolled and the previous schools in which the child was enrolled shall immediately transmit to the new school, upon such request, the IEP and supporting documents and any other records relating to the provision of special education or related services to the child.

In section 614(e) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following: “Decisions regarding the educational placement of a child with a disability who is a homeless child shall comply with the requirements described under section 722(g)(3) of the McKinney-Vento Homeless Assistance Act.”

In section 615(a) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), insert “, including children with disabilities who are wards of the State,” after “children with disabilities”.

In section 615(b)(2) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike “or the child is a ward of the State” and insert “the child is a ward of the State, or the child is a homeless child who is not in the physical custody of a parent or guardian”.

In section 615(b)(2) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), insert “in accordance with subsection (o)” after “surrogate for the parents”.

In section 615(b)(7)(A)(ii)(I) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike “residence of the child,” and insert “residence of the child (or available contact information in the case of a homeless child),”.

In section 615(b) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

“(10) procedures to protect the rights of the child whenever the child is a ward of the State, including procedures that preserve the rights of the natural or adoptive parent to make the decisions required of parents under this Act (unless such rights have been extinguished under State law) but that permit a child who is represented in juvenile court by an attorney, guardian ad litem, or another individual, to have such attorney, guardian ad litem, or other individual present in any meetings, mediation proceedings, or hearings provided under this Act.

In section 615(l) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike “disabilities,” and insert “disabilities, or under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act or parts B and E of title IV of the Social Security Act,”.

In section 615 of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

“(o) SURROGATE PARENT.—

“(1) ASSIGNMENT.—The assignment of a surrogate under subsection (b)(2) shall take place not more than 30 days after either of the following takes place:

“(A) The child is referred to the local educational agency for an initial evaluation to determine if the child is a child with a disability.

“(B) There is a determination made by the agency that the child needs a surrogate parent because the child’s parent cannot be identified, the child becomes a ward of the State, or, despite reasonable efforts to do so, the agency cannot discover the whereabouts of the parent of the child.

“(2) REQUIREMENTS OF SURROGATE.—An individual may not be assigned to act as a sur-

rogate for the parents under subsection (b)(2) unless the individual—

“(A) signs a written form agreeing to make the educational decisions required of parents under this Act;

“(B)(i) has the knowledge and skills necessary to ensure adequate representation of the child; or

“(ii) agrees to be trained as an educational surrogate; and

“(C) has no interests that would conflict with the interests of the child.

“(3) FOSTER PARENT AS SURROGATE.—A foster parent of a child may be assigned to act as a surrogate for the parents of such child under subsection (b)(2) if the foster parent—

“(A) has an ongoing, long-term parental relationship with the child;

“(B) agrees to make the educational decisions required of parents under this Act;

“(C) agrees to be trained as an educational surrogate; and

“(D) has no interest that would conflict with the interests of the child.

In section 631(a)(5) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), insert “, and infants and toddlers in foster care” after “rural children”.

In section 634(1) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), insert “, infants or toddlers with disabilities who are homeless children, infants or toddlers with disabilities who are wards of the State, and infants or toddlers with disabilities who have a parent who is a member of the Armed Forces, including a member of the National Guard or Reserves” after “located in the State”.

In section 635(a)(6) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike “hospitals and physicians” and insert “hospitals, physicians, homeless family shelters, medicaid and State child health insurance program enrollment offices, health and mental health clinics, public schools in low-income areas serving low-income children, staff in State and local child welfare agencies, judges, and base commanders or their designees”.

In section 635(a) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

“(17) A procedure to ensure that early intervention services and evaluations are available to infants or toddlers with disabilities who are—

“(A) homeless children; and

“(B) wards of the State or in foster care, or both.

In section 635 of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

“(c) CONSTRUCTION.—Nothing in subsection (a)(5) shall be construed to alter the responsibility of a State under title XIX of the Social Security Act with respect to early and periodic screening, diagnostic, and treatment services (as defined in section 1905(r) of such Act).

In section 637(a) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

“(11) a description of policies and procedures to ensure that infants or toddlers with disabilities who are homeless children and their families and infants or toddlers with disabilities who are wards of the State have access to multidisciplinary evaluations and early intervention services.

In section 637(b)(7) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike “low-income, and rural families” and insert “low-income, homeless, and rural families and children

with disabilities who are wards of the State”.

In section 641(b)(1)(A) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), strike the period at the end and insert “, not less than one other member shall be a foster parent of a child with a disability, not less than one other member shall be a grandparent or other relative acting in the place of a natural or adoptive parent of a child with a disability, and not less than 1 other member shall be a representative of children with disabilities in military families.”.

In section 641(b)(1) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

“(K) OFFICE OF THE COORDINATOR OF EDUCATION OF HOMELESS CHILDREN AND YOUTH.—Not less than 1 representative designated by the Office of Coordinator for Education of Homeless Children and Youths.

“(L) STATE CHILD WELFARE AGENCY.—Not less than 1 representative from the State child welfare agency responsible for foster care.

“(M) REPRESENTATIVE OF FOSTER CHILDREN.—Not less than 1 individual who represents the interests of children in foster care and understands such children’s education needs, such as an attorney for children in foster care, a guardian ad litem, a court appointed special advocate, a judge, or an education surrogate for children in foster care.

In section 661(d)(3) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

“(K) children with disabilities served by local educational agencies that receive payments under title VIII of the Elementary and Secondary Education Act of 1965;

“(L) children with disabilities who are homeless children or children with disabilities who are wards of the State;

In section 661(d) of the Individuals with Disabilities Education Act (as amended by section 101 of the bill), add at the end the following:

“(8) projects that provide training in educational advocacy to individuals with responsibility for the needs of wards of the State, including foster parents, grandparents and other relatives acting in the place of a natural or adoptive parent, attorneys for children in foster care, guardians ad litem, court appointed special advocates, judges, education surrogates, and children’s case-workers.

SA 3149. Mr. GREGG (for Mr. SANTORUM) proposed an amendment to the bill S. 1248, to reauthorize the Individuals with Disabilities Education Act, and for other purposes; as follows:

Amend section 609 of the Individuals with Disabilities Education Act, as amended by section 101 of the bill, to read as follows:

“SEC. 609. PAPERWORK REDUCTION.

“(a) REPORT TO CONGRESS.—The Comptroller General shall conduct a review of Federal, State, and local requirements relating to the education of children with disabilities to determine which requirements result in excessive paperwork completion burdens for teachers, related services providers, and school administrators, and shall report to Congress not later than 18 months after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003 regarding such review along with strategic proposals for reducing the paperwork burdens on teachers.

“(b) PAPERWORK REDUCTION DEMONSTRATION.—

“(1) PILOT PROGRAM.—

“(A) PURPOSE.—The purpose of this subsection is to provide an opportunity for States to identify ways to reduce paperwork burdens and other administrative duties that are directly associated with the requirements of this Act, in order to increase the time and resources available for instruction and other activities aimed at improving educational and functional results for children with disabilities.

“(B) AUTHORIZATION.—

“(i) IN GENERAL.—In order to carry out the purpose of this subsection, the Secretary is authorized to grant waivers of statutory requirements of, or regulatory requirements relating to, this part for a period of time not to exceed 4 years with respect to not more than 20 States based on proposals submitted by States to reduce excessive paperwork and noninstructional time burdens that do not assist in improving educational and functional results for children with disabilities.

“(ii) EXCEPTION.—The Secretary shall not waive any statutory requirements of, or regulatory requirements relating to, applicable civil rights requirements.

“(iii) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

“(I) affect the right of a child with a disability to receive a free appropriate public education under this part; and

“(II) permit a State or local educational agency to waive procedural safeguards under section 615.

“(C) PROPOSAL.—

“(i) IN GENERAL.—A State desiring to participate in the program under this subsection shall submit a proposal to the Secretary at such time and in such manner as the Secretary may reasonably require.

“(ii) CONTENT.—The proposal shall include—

“(I) a list of any statutory requirements of, or regulatory requirements relating to, this part that the State desires the Secretary to waive or change, in whole or in part; and

“(II) a list of any State requirements that the State proposes to waive or change, in whole or in part, to carry out a waiver granted to the State by the Secretary.

“(D) TERMINATION OF WAIVER.—The Secretary shall terminate a State’s waiver under this subsection if the Secretary determines that the State—

“(i) has failed to make satisfactory progress in meeting the indicators described in section 616; or

“(ii) has failed to appropriately implement its waiver.

“(2) REPORT.—Beginning 2 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2003, the Secretary shall include in the annual report to Congress submitted pursuant to section 426 of the Department of Education Organization Act information related to the effectiveness of waivers granted under paragraph (1), including any specific recommendations for broader implementation of such waivers, in—

“(A) reducing—

“(i) the paperwork burden on teachers, principals, administrators, and related service providers; and

“(ii) noninstructional time spent by teachers in complying with this part;

“(B) enhancing longer-term educational planning;

“(C) improving positive outcomes for children with disabilities;

“(D) promoting collaboration between IEP Team members; and

“(E) ensuring satisfaction of family members.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 12, 2004, at 9:30 a.m. on Telecommunications Policy Review: A View from Industry.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a full committee hearing to examine the environmental regulatory framework affecting oil refining and gasoline policy. The hearing is to be held Wednesday, May 12, 2004 at 9:30 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 12, 2004 at 9:30 a.m. to hold a hearing on Afghanistan—Continuing Challenges.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, May 12, 2004, at 10 a.m. for a hearing titled “Bogus Degrees and Unmet Expectations: Are Taxpayer Dollars Subsidizing Diploma Mills?” (Day Two).

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

COMMITTEE ON INDIAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 12, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1715, the Department of Interior Tribal Self-Governance Act of 2003.

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

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, May 12, 2004 at 2:00 p.m. on “The Satellite Home Viewer Extension Act” in the Dirksen Senate Office Building Room 226.

Panel I: David O. Carson, General Counsel, U.S. Library of Congress Copyright Office, Washington, DC; Charles W. Ergen, Founder and Chairman, EchoStar Communications Corporation, Littlewood, CO; Bruce T. Reese, President and Chief Executive Officer, Bonneville International Corporation, Salt Lake City, UT; Eddy W. Hartenstein, Vice Chairman and Board