Committee Reports

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IMPROVING AMERICAS SCHOOLS ACT

**DATE:** September 28, 1994. Ordered to be printed

**SPONSOR:** Mr. Ford of Michigan, from the committee of conference, submitted the following

REPORT

(To accompany H.R. 6)

**TEXT:**

"(C) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;

"(D) describe procedures that ensure that

"(i) homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children; and

"(ii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs;

"(E) address problems set forth in the report provided to the Secretary under subsection (f)(4);

"(F) address other problems with respect to the education of homeless children and youth, including problems caused by

"(i) transportation issues; and

"(ii) enrollment delays that are caused by

"(I) immunization requirements;

"(II) residency requirements;

"(III) lack of birth certificates, school records, or other documentation; or

"(IV) guardianship issues;

"(G) demonstrate that the State educational agency and local educational agencies in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State; and

"(H) contain an assurance that the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized.

"(2) Compliance. Each plan adopted under this subsection shall also show how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9).

"(3) Local educational agency requirements. (A) The local educational agency of each homeless child and youth to be assisted under this subtitle shall, according to the childs or youths best interest, either

"(i) continue the childs or youths education in the school of origin

"(I) for the remainder of the academic year; or

"(II) in any case in which a family becomes homeless between academic years, for the following academic year; or

"(ii) enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

"(B) In determining the best interests of the child or youth under subparagraph (A), the local educational agency shall comply, to the extent feasible, with the request made by a parent or guardian regarding school selection.

"(C) For purposes of this paragraph, the term chool of origin means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

"(D) The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.

"(4) Comparable services. Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including

"(A) transportation services;

"(B) educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited-English proficiency;

"(C) programs in vocational education;

"(D) programs for gifted and talented students; and

"(E) school meals programs.

"(5) Records. Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth shall be maintained

"(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

"(B) in a manner consistent with section 444 of the General Education Provisions Act.

"(6) Coordination. Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate with local social services agencies and other agencies or programs providing services to such children or youth and their families, including services and programs funded under the Runaway and Homeless Youth Act.

"(7) Liaison. (A) Each local educational agency that receives assistance under this subtitle shall designate a homelessness liaison to ensure that

"(i) homeless children and youth enroll and succeed in the schools of that agency; and

"(ii) homeless families, children, and youth receive educational services for which such families, children, and youth are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services.

"(B) State coordinators and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons.

"(8) Review and revisions. Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph (3). In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

"(9) Coordination. Where applicable, each State and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act to minimize educational disruption for children who become homeless.

"SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

"(a) General Authority.

"(1) In general. The State educational agency shall, in accordance with section 722(e) and from amounts made available to such agency under section 726, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth.

"(2) Services. Unless otherwise specified, services under paragraph (1) may be provided through programs on school grounds or at other facilities. Where such services are provided through programs to homeless students on school grounds, schools may provide services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, in the same setting or classroom. To the maximum extent practicable, such services shall be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals.

"(3) Requirement. Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the schools regular academic program.

"(b) Application. A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require according to guidelines issued by the Secretary. Each such application shall include

"(1) a description of the services and programs for which assistance is sought and the problems to be addressed through the provision of such services and programs;

"(2) an assurance that the local educational agencys combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made;

"(3) an assurance that the applicant complies with, or will use requested funds to come into compliance with, paragraphs (3) through (9) of section 722(g); and

"(4) a description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

"(c) Awards.

"(1) In general. The State educational agency shall, in accordance with section 722(g) and from amounts made available to such agency under section 726, award grants under this section to local educational agencies submitting an application under subsection (b) on the basis of the need of such agencies.

"(2) Need. In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the ability of the agency to meet such needs. Such agency may also consider

"(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;

"(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State plan required by section 722(g);

"(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and

"(D) such other criteria as the agency determines appropriate.

"(3) Duration of grants. Grants awarded under this section shall be for terms not to exceed three years.

"(d) Authorized Activities. A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including

"(1) the provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State content standards and challenging State student performance standards the State establishes for other children or youth;

"(2) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited-English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational education, and school meals programs);

"(3) professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of runaway and homeless youth;

"(4) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;

"(5) the provision of assistance to defray the excess cost of transportation for students pursuant to section 722(g)(4), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);

"(6) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;

"(7) the provision of before- and after-school, mentoring, and summer programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;

"(8) where necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services;

"(9) the provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth;

"(10) the development of coordination between schools and agencies providing services to homeless children and youth, including programs funded under the Runaway and Homeless Youth Act;

"(11) the provision of pupil services (including violence prevention counseling) and referrals for such services;

"(12) activities to address the particular needs of homeless children and youth that may arise from domestic violence;

"(13) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;

"(14) the provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations; and

"(15) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

"SEC. 724. SECRETARIAL RESPONSIBILITIES.

"(a) Review of Plans. In reviewing the State plans submitted by the State educational agencies under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in such plans.

"(b) Technical Assistance. The Secretary shall provide support and technical assistance to the State educational agencies to assist such agencies to carry out their responsibilities under this subtitle.

"(c) Evaluation and Dissemination. The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

"(d) Submission and Distribution. The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

"(e) Determination by Secretary. The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (d), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education as described in section 721(1).

"(f) Reports. The Secretary shall prepare and submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the programs and activities authorized by this subtitle by December 31, 1997, and every third year thereafter.

"SEC. 725. DEFINITIONS.

"For the purpose of this subtitle, unless otherwise stated

"(1) the term ecretary means the Secretary of Education; and

"(2) the term tate means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subtitle, there are authorized to be appropriated $30,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.".

PART C REPEAL OF IMPACT AID STATUTES

SEC. 331. REPEAL OF IMPACT AID STATUTES.

(a) Public Law 81-815. The Act entitled "An Act relating to the construction of school facilities in areas affected by Federal activities, and for other purposes", approved September 23, 1950 (64 Stat. 967; 20 U.S.C. 631 et seq.) is repealed.

(b) Public Law 81-874. The Act entitled "An Act to provide assistance for local educational agencies in areas affected by Federal activities, and for other purposes", approved September 30, 1950 (64 Stat. 1100; 20 U.S.C. 236 et seq.) is repealed.

PART D AMENDMENTS TO THE ADULT EDUCATION ACT

SEC. 335. AMENDMENTS TO ADULT EDUCATION ACT.

(a) State Plan. Paragraph (11) of section 342(c) of the Adult Education Act (20 U.S.C. 1206a(c)(11)) is amended by inserting "Even Start," after "1963,".

(b) Authorization of Appropriations. Subsection (n) of section 384 of the Adult Education Act (20 U.S.C. 1213c(n)) is amended by striking "and 1995" and inserting "1995, and 1996".

PART E HIGHER EDUCATION

SEC. 351. HIGHER EDUCATION AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

(a) Amendment. The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.) is amended

(1) in paragraph (2) of section 232(d)

(A) by inserting ", notwithstanding section 427(b)(2) of the Higher Education Amendments of 1992," before "has"; and

(B) by inserting "as such section was in effect on July 22, 1992" before the semicolon; and

(2) in subparagraph (B) of section 404(a)(4)(B)

(A) by inserting ", notwithstanding section 427(b)(2) of the Higher Education Amendments of 1992," before "has"; and

(B) by inserting "as such section was in effect on July 22, 1992" before the period.

(b) Effective Date. Subsection (a) and the amendments made by subsection (a) shall take effect on the date of enactment of this Act, except that a State that, prior to such date, distributed funds under section 232 of the Carl D. Perkins Vocational and Applied Technology Education Act from funds appropriated for fiscal year 1994 for such program to proprietary institutions of higher education, as such term is defined in section 481(b) of the Higher Education Act of 1965, may continue to distribute such funds to such institutions until July 1, 1995.

SEC. 352. TECHNICAL AMENDMENT TO THE SECOND MORRILL ACT.

Section 5 of the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 326a) (commonly known as the "Second Morrill Act") is amended by striking "and the Trust Territory of the Pacific Islands or its successor governments" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau".

SEC. 353. DEFINITIONS FOR PART A OF TITLE III.

Paragraph (1) of section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058(b)(1)) is amended

(1) by amending subparagraph (C) to read as follows:

"(C) which is

"(i) legally authorized to provide, and provides within the State, an educational program for which such institution awards a bachelors degree;

"(ii) a junior or community college; or

"(iii) the College of the Marshall Islands, the College of Micronesia/Federated States of Micronesia, and Palau Community College;".

(2) in subparagraph (D), by striking "and" after the semicolon; and

(3) by adding after subparagraph (E) the following new subparagraph:

"(F) located in a State; and".

SEC. 353A. PART D HEADING.

The heading for part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) is amended to read as follows:

"PART D WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM".

SEC. 354. AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL EARLY INTERVENTION SCHOLARSHIP AND PARTNERSHIP PROGRAM.

Section 404G of the Higher Education Act of 1965 (20 U.S.C. 1070a-27) is amended by striking the second sentence thereof.

SEC. 355. LENDER-OF-LAST-RESORT PROGRAMS.

(a) Amendment. Paragraph (1) of section 428(c) of the Higher Education Act of 1965 (20 U.S.C. 1078(c)(1)) is amended by adding at the end the following new subparagraph:

"(G) Notwithstanding any other provision of this section, the Secretary shall exclude a loan made pursuant to a lender-of-last-resort program when making reimbursement payment calculations under subparagraphs (B) and (C).".

(b) Effective Date. Subsection (a) and the amendment made by subsection (a) shall take effect on August 10, 1993.

SEC. 356. FEDERAL CONSOLIDATION LOANS.

Paragraph (4) of section 428C(a) of the Higher Education Act of 1965 (20 U.S.C. 1078-3(a)(4)) is amended

(1) in subparagraph (B), by striking "or" after the semicolon;

(2) in subparagraph (C), by striking the period and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(D) made under subpart II of part B of title VIII of the Public Health Service Act.".

SEC. 357. DEFINITION OF ECONOMIC HARDSHIP.

Paragraph (1) of section 435(o) of the Higher Education Act of 1965 (20 U.S.C. 1085(o)(1)) is amended

(1) in clause (ii) of subparagraph (A), by striking "or" after the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) such borrower is working full-time and has a Federal educational debt burden that equals or exceeds 20 percent of such borrowers adjusted gross income, and the difference between such borrowers adjusted gross income minus such burden is less than 220 percent of the greater of

"(i) the annual earnings of an individual earning the minimum wage under section 6 of the Fair Labor Standards Act of 1938; or

"(ii) the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of two; or"; and

(4) in paragraph (2), by striking "(1)(B)" and inserting "(1)(C)".

SEC. 358. FACILITIES AUTHORITY OF THE STUDENT LOAN MARKETING ASSOCIATION.

Section 439 of the Higher Education Act of 1965 (20 U.S.C. 1087-2) is amended

(1) in subparagraph (C) of subsection (d)(1)

(A) in the matter preceding clause (i), by inserting "(including related equipment, instrumentation, and furnishings)" after "materials";

(B) in clause (ii), by striking the semicolon and inserting ", dining halls, student unions, and facilities specifically designed to promote fitness and health for students, faculty, and staff or for physical education courses; and";

(C) in clause (iii), by striking "and" after the semicolon;

(D) in the matter following clause (iv)

(i) by striking "15 percent" and inserting "30 percent"; and

(ii) by striking "type" and inserting "types"; and

(E) by striking clause (iv); and

(2) in subsection (n), by striking "a report of its operations and activities during each year" and inserting "a report of the Associations operations and activities, including a report with respect to all facilities transactions, during each year".

SEC. 358A. PROGRAM AUTHORITY.

Section 451 of the Higher Education Act of 1965 (20 U.S.C. 2087a) is amended

(1) by inserting "(a) In General. " before "There"; and

(2) by adding at the end the following new subsection:

"(b) Designation.

"(1) Program. The program established under this part shall be referred to as the illiam D. Ford Federal Direct Loan Program.

"(2) Direct loans. Notwithstanding any other provision of this part, loans made to borrowers under this part that, except as otherwise specified in this part, have the same terms, conditions, and benefits as loans made to borrowers under section 428, shall be known as ederal Direct Stafford/Ford Loans.".

SEC. 359. DEFERMENT ELIGIBILITY.

Subsection (f) of section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)) is amended by adding at the end the following new paragraphs:

"(3) Definition of borrower. For the purpose of this subsection, the term "borrower" means an individual who is a new borrower on the date such individual applies for a loan under this part for which the first disbursement is made on or after July 1, 1993.

"(4) Deferments for previous part b loan borrowers. A borrower of a loan made under this part, who at the time such individual applies for such loan, has an outstanding balance of principal or interest owing on any loan made, insured, or guaranteed under part B of title IV prior to July 1, 1993, shall be eligible for a deferment under section 427(a)(2)(C) or section 428(b)(1)(M) as such sections were in effect on July 22, 1992.".

SEC. 360. CLOCK AND CREDIT HOUR TREATMENT OF DIPLOMA NURSING SCHOOLS.

(a) Amendment. Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by inserting after section 481 the following new section:

"SEC. 481A. CLOCK AND CREDIT HOUR TREATMENT OF DIPLOMA NURSING SCHOOLS.

"Notwithstanding any other provision of this Act, any regulations promulgated by the Secretary concerning the relationship between clock hours and semester, trimester, or quarter hours in calculating student grant, loan, or work assistance under this title, shall not apply to a public or private nonprofit hospital-based school of nursing that awards a diploma at the completion of the schools program of education.".

(b) Effective Date. Subsection (a) and the amendment made by subsection (a) shall take effect on July 1, 1994.

SEC. 360A. ELIGIBILITY FOR STUDENTS FROM PALAU.

Subsection (j) of section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091(j)) is amended to read as follows:

"(j) Assistance Under Subparts 1, 3, and 6, and Chapter 1 of Subpart 2, of Part A, and Part C. Notwithstanding any other provision of law, a student shall be eligible, if otherwise qualified, for assistance under subparts 1, 3, and 6, and chapter 1 of subpart 2, of part A, and part C, of this title, if the student is otherwise qualified and

"(1) is a citizen of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, and attends an institution of higher education in a State or a public or nonprofit private institution of higher education in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau; or

"(2) meets the requirements of subsection (a)(5) and attends a public or nonprofit private institution of higher education in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.".

SEC. 360B. DISCLOSURE OF ATHLETIC PROGRAM PARTICIPATION RATES AND FINANCIAL SUPPORT DATA.

(a) Short Title. This section may be cited as the "Equity in Athletics Disclosure Act".

(b) Findings. The Congress finds that

(1) participation in athletic pursuits plays an important role in teaching young Americans how to work on teams, handle challenges and overcome obstacles;

(2) participation in athletic pursuits plays an important role in keeping the minds and bodies of young Americans healthy and physically fit;

(3) there is increasing concern among citizens, educators, and public officials regarding the athletic opportunities for young men and women at institutions of higher education;

(4) a recent study by the National Collegiate Athletic Association found that in Division I-A institutions, only 20 percent of the average athletic department operations budget of $1,310,000 is spent on womens athletics; 15 percent of the average recruiting budget of $318,402 is spent on recruiting female athletes; the average scholarship expenses for men is $1,300,000 and $505,246 for women; and an average of 143 grants are awarded to male athletes and 59 to women athletes;

(5) female college athletes receive less than 18 percent of the athletics recruiting dollar and less than 24 percent of the athletics operating dollar;

(6) male college athletes receive approximately $179,000,000 more per year in athletic scholarship grants than female college athletes;

(7) prospective students and prospective student athletes should be aware of the commitments of an institution to providing equitable athletic opportunities for its men and women students; and

(8) knowledge of an institutions expenditures for womens and mens athletic programs would help prospective students and prospective student athletes make informed judgments about the commitments of a given institution of higher education to providing equitable athletic benefits to its men and women students.

(c) Disclosure of Athletic Program. Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended by adding at the end the following new subsection:

"(g) Data Required.

"(1) In general. Each coeducational institution of higher education that participates in any program under this title, and has an intercollegiate athletic program, shall annually, for the immediately preceding academic year, prepare a report that contains the following information regarding intercollegiate athletics:

"(A) The number of male and female full-time undergraduates that attended the institution.

"(B) A listing of the varsity teams that competed in intercollegiate athletic competition and for each such team the following data:

"(i) The total number of participants, by team, as of the day of the first scheduled contest for the team.

"(ii) Total operating expenses attributable to such teams, except that an institution may also report such expenses on a per capita basis for each team and expenditures attributable to closely related teams such as track and field or swimming and diving, may be reported together, although such combinations shall be reported separately for mens and womens teams.

"(iii) Whether the head coach is male or female and whether the head coach is assigned to that team on a full-time or part-time basis. Graduate assistants and volunteers who serve as head coaches shall be considered to be head coaches for the purposes of this clause.

"(iv) The number of assistant coaches who are male and the number of assistant coaches who are female for each team and whether a particular coach is assigned to that team on a full-time or part-time basis. Graduate assistants and volunteers who serve as assistant coaches shall be considered to be assistant coaches for the purposes of this clause.

"(C) The total amount of money spent on athletically related student aid, including the value of waivers of educational expenses, separately for mens and womens teams overall.

"(D) The ratio of athletically related student aid awarded male athletes to athletically related student aid awarded female athletes.

"(E) The total amount of expenditures on recruiting, separately for mens and womens teams overall.

"(F) The total annual revenues generated across all mens teams and across all womens teams, except that an institution may also report such revenues by individual team.

"(G) The average annual institutional salary of the head coaches of mens teams, across all offered sports, and the average annual institutional salary of the head coaches of womens teams, across all offered sports.

"(H) The average annual institutional salary of the assistant coaches of mens teams, across all offered sports, and the average annual institutional salary of the assistant coaches of womens teams, across all offered sports.

"(2) Special rule. For the purposes of subparagraph (G), if a coach has responsibilities for more than one team and the institution does not allocate such coachs salary by team, the institution should divide the salary by the number of teams for which the coach has responsibility and allocate the salary among the teams on a basis consistent with the coachs responsibilities for the different teams.

"(3) Disclosure of information to students and public. An institution of higher education described in paragraph (1) shall make available to students and potential students, upon request, and to the public, the information contained in the report described in paragraph (1), except that all students shall be informed of their right to request such information.

"(4) Definition. For the purposes of this subsection, the term perating expenses means expenditures on lodging and meals, transportation, officials, uniforms and equipment.

"(5) Regulations and effective date. The Secretary shall issue final regulations to implement the requirements of this subsection not later than 180 days following the enactment of this subsection. Each institution described in paragraph (1) shall make available its first report pursuant to this section not later than October 1, 1996.".

SEC. 360C. FEDERAL INSURANCE FOR BONDS.

Subsection (b) of section 723 of the Higher Education Act of 1965 (20 U.S.C. 1132c-2(b)) is amended

(1) in paragraph (8)

(A) in subparagraph (A), by inserting ", with each eligible institution required to maintain in the escrow account an amount equal to 10 percent of the outstanding principal of all loans made to such institution under this part" before the semicolon; and

(B) by amending clause (ii) of subparagraph (B) to read as follows:

"(ii) shall be used to return to an eligible institution an amount equal to any remaining portion of such institutions 10 percent deposit of loan proceeds following scheduled repayment of such institutions loan;"; and

(2) in paragraph (11), by striking "regulations" and inserting "conditions".

SEC. 360D. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

Title X of the Higher Education Act of 1965 (20 U.S.C. 1135 et seq.) is amended by adding at the end the following new part:

"PART E GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS

"SEC. 1091. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

"(a) Findings. The Congress finds the following:

"(1) Over 150,000 youth offenders age 21 and younger are incarcerated in the Nations jails, juvenile facilities, and prisons.

"(2) Most youth offenders who are incarcerated have been sentenced as first-time adult felons.

"(3) Approximately 75 percent of youth offenders are high school dropouts who lack basic literacy and life skills, have little or no job experience, and lack marketable skills.

"(4) The average incarcerated youth has attended school only through grade 10.

"(5) Most of these youths can be diverted from a life of crime into productive citizenship with available educational, vocational, work skills, and related service programs.

"(6) If not involved with educational programs while incarcerated, almost all of these youths will return to a life of crime upon release.

"(7) The average length of sentence for a youth offender is about 3 years. Time spent in prison provides a unique opportunity for education and training.

"(8) Even with quality education and training provided during incarceration, a period of intense supervision, support, and counseling is needed upon release to ensure effective reintegration of youth offenders into society.

"(9) Research consistently shows that the vast majority of incarcerated youths will not return to the public schools to complete their education.

"(10) There is a need for alternative educational opportunities during incarceration and after release.

"(b) Definition. For purposes of this part, the term outh offender means a male or female offender under the age of 25, who is incarcerated in a State prison, including a prerelease facility.

"(c) Grant Program. The Secretary shall establish a program in accordance with this section to provide grants to the State correctional education agencies to assist and encourage incarcerated youths to acquire functional literacy, life, and job skills, through the pursuit of a postsecondary education certificate, or an associate of arts or bachelors degree while in prison, and employment counseling and other related services which start during incarceration and continue through prerelease and while on parole.

"(d) Application. To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for a youth offender program that

"(1) identifies the scope of the problem, including the number of incarcerated youths in need of postsecondary education and vocational training;

"(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

"(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

"(4) describes the evaluation methods and performance measures that the State correctional education agency will employ, provided that such methods and measures are appropriate to meet the goals and objectives of the proposal, and that such methods and measures include measures of

"(A) program completion;

"(B) student academic and vocational skill attainment;

"(C) success in job placement and retention; and

"(D) recidivism;

"(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and vocational training) and State industry programs;

"(6) addresses the educational needs of youth offenders who are in alternative programs (such as boot camps); and

"(7) describes how students will be selected so that only youth offenders eligible under subsection (f) will be enrolled in postsecondary programs.

"(e) Program Requirements. Each State correctional education agency receiving a grant under this section shall

"(1) integrate activities carried out under the grant with the objectives and activities of the school-to-work programs of such State, including

"(A) work experience or apprenticeship programs;

"(B) transitional worksite job training for vocational education students that is related to the occupational goals of such students and closely linked to classroom and laboratory instruction;

"(C) placement services in occupations that the students are preparing to enter;

"(D) employment-based learning programs; and

"(E) programs that address State and local labor shortages;

"(2) annually report to the Secretary and the Attorney General on the results of the evaluations conducted using the methods and performance measures contained in the proposal; and

"(3) provide to each State for each student eligible under subsection (f) not more than $1,500 annually for tuition, books, and essential materials, and not more than $300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education, for each eligible incarcerated youth.

"(f) Student Eligibility. A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender

"(1) is eligible to be released within five years (including a youth offender who is eligible for parole within such time); and

"(2) is 25 years of age or younger.

"(g) Length of Participation. A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a secondary school diploma. Educational and related services shall start during the period of incarceration in prison or prerelease and may continue during the period of parole.

"(h) Education Delivery Systems. State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

"(i) Allocation of Funds. From the amounts appropriated pursuant to subsection (j), the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (f) in such State bears to the total number of such students in all States.

"(j) Authorization of Appropriations. There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1995 and such sums as may be necessary for fiscal year 1996 and each of the four succeeding fiscal years.".

PART F OTHER ACTS

SEC. 361. GOALS 2000: EDUCATE AMERICA ACT.

(a) Repeals. Sections 231, 232, 234, and 235 of the Goals 2000: Educate America Act (20 U.S.C. 5861, 5862, 5863, and 5864) are repealed.

(b) Gift Authority.

(1) National education goals panel. Section 204 of the Goals 2000: Educate America Act (20 U.S.C. 5824) is amended by adding at the end the following new subsection:

"(f) Gifts. The Goals Panel may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.".

(2) National education standards and improvement council. Section 215 of the Goals 2000: Educate America Act (20 U.S.C. 5845) is amended by adding at the end the following new subsection:

"(f) Gifts. The Council may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.".

(c) Local Agency Plan Approval. Paragraph 4 of section 309(a) of the Goals 2000: Educate America Act (20 U.S.C. 5889) is amended by inserting "made by the local educational agency" after "modifications".

(d) State Planning for Improving Student Achievement Through Integration of Technology Into the Curriculum. Subsection (b) of section 317 of the Goals 2000: Educate America Act (20 U.S.C. 5897(b)) is amended by adding at the end the following new paragraph:

"(3) Outlying areas. (A) From the amount appropriated pursuant to the authority of subsection (f) for fiscal year 1995, the Secretary shall reserve a total of 1 percent to provide assistance under this section

"(i) to the outlying areas; and

"(ii) for the Secretary of the Interior to conduct directly or through a contract, systemic technology planning for Bureau-funded schools.

"(B) The funds reserved under subparagraph (A) shall be distributed among the outlying areas and the Secretary of the Interior by the Secretary according to the relative need of such areas and schools for assistance under this section.".

SEC. 362. EDUCATION COUNCIL ACT OF 1991.

Title II of the Education Council Act of 1991 (20 U.S.C. 1221-1 note) is repealed.

SEC. 363. AUGUSTUS F. HAWKINS-ROBERT T. STAFFORD ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT AMENDMENTS OF 1988.

Title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 4901 et seq.) is repealed.

SEC. 364. STAR SCHOOLS PROGRAM ASSISTANCE ACT.

The Star Schools Program Assistance Act (20 U.S.C. 4081 et seq.) is repealed.

SEC. 365. FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING ACT.

The Fund for the Improvement and Reform of Schools and Teaching Act (20 U.S.C. 4801) is repealed.

SEC. 366. TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT OF 1988.

(a) In General. Part E of title II of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2231 et seq.) is repealed.

(b) Effective Date. The amendment made by subsection (a) shall take effect as if included in the Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994.

SEC. 367. INDIAN EDUCATION ACT OF 1988.

The Indian Education Act of 1988 (25 U.S.C. 2601 note) is repealed.

SEC. 368. REHABILITATION ACT.

(a) In General. Notwithstanding any provision of the Rehabilitation Act of 1973, the amount otherwise payable to a State under section 111 of such Act shall be reduced for fiscal years 1987, 1988, and 1989, by the amount by which expenditures from non-Federal sources under the State plan under title I of such Act for such year are less than the total of such expenditures for fiscal year 1972.

(b) Effective Date. The amendment made by this section shall take effect as if included in the Rehabilitation Act Amendments of 1992.

SEC. 369. AMENDMENT TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT REGARDING THE TERRITORIES.

Section 101A of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2311a) is amended to read as follows:

"SEC. 101A. THE TERRITORIES.

"(a) The Territories. From funds reserved pursuant to section 101(a)(1)(C), the Secretary shall

"(1) make a grant in the amount of $500,000 to Guam; and

"(2) make a grant in the amount of $190,000 to each of American Samoa and the Commonwealth of the Northern Mariana Islands.

"(b) Remainder. Subject to the provisions of subsection (a), the Secretary shall make a grant of the remainder of funds reserved pursuant to section 101(a)(1)(C) to the Pacific Region Educational Laboratory in Honolulu, Hawaii, to make grants for vocational education and training in Guam, American Samoa, the Republic of Palau, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, and the Republic of the Marshall Islands, for the purpose of providing direct educational services, including

"(1) teacher and counselor training and retraining;

"(2) curriculum development; and

"(3) improving vocational education and training programs in secondary schools and institutions of higher education, or improving cooperative education programs involving both secondary schools and institutions of higher education.

"(c) Limitation. The Pacific Region Educational Laboratory may use not more than 5 percent of the funds received pursuant to subsection (b) for administrative costs.".

SEC. 370. FAMILY SUPPORT CENTER PROGRAM.

(a) Administrative Provisions. Subsection (f) of section 772 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11482(f)) is amended

(1) by amending paragraph (1) to read as follows:

"(1) Administrative costs. Two percent of the amounts appropriated under this title may be used by the Secretary to administer the programs established under this title and three percent of the amounts appropriated under this title may be used by the Secretary to evaluate such programs and to provide technical assistance to entities for the development and submission of applications for grants under this section.";

(2) in paragraph (3), by striking "2 years" and inserting "3 years"; and

(3) by adding at the end thereof the following new paragraph:

"(4) Minimum amount. No grant made under subsection (a) may be awarded in an amount that is less than $200,000 per year.".

(b) Report. The matter preceding paragraph (1) of section 777 of such Act (42 U.S.C. 11487) is amended by striking "1992" and inserting "1995".

(c) Authorization for Appropriations. Section 779 of such Act (42 U.S.C. 11489) is amended by striking "for fiscal year 1993" and inserting "for each of the fiscal years 1993 through 1998".

(d) Technical Amendment. Subsection (a) of section 774 of such Act (42 U.S.C. 11484(a)) is amended by striking "subsection (e)" and inserting "subsection (d)".

SEC. 371. THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965.

Subsection (c) of section 11 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(c)) is amended

(1) in the second sentence of paragraph (1)

(A) by striking "any fiscal year" and inserting "fiscal year 1995"; and

(B) by striking "$50,000" and inserting "$100,000"; and

(2) in the second sentence of paragraph (2)

(A) by striking "any fiscal year" and inserting "fiscal year 1995"; and

(B) by striking "$50,000" and inserting "$100,000".

SEC. 372. OFFICE OF INDIAN EDUCATION; OFFICE OF BILINGUAL EDUCATION.

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

(1) by redesignating section 215 as section 217; and

(2) by adding after section 214 (as added by section 271(c)) the following new section:

"SEC. 215. OFFICE OF INDIAN EDUCATION.

"(a) Office of Indian Education. There shall be an Office of Indian Education (referred to in this section as he Office) in the Department of Education.

"(b) Director.

"(1) Appointment and reporting. The Office shall be under the direction of the Director, who shall be appointed by the Secretary and who shall report directly to the Assistant Secretary for Elementary and Secondary Education.

"(2) Duties. The Director shall

"(A) be responsible for administering this title;

"(B) be involved in, and be primarily responsible for, the development of all policies affecting Indian children and adults under programs administered by the Office of Elementary and Secondary Education;

"(C) coordinate the development of policy and practice for all programs in the Department relating to Indian persons; and

"(D) assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to the education of Indian persons.

"(c) Indian Preference in Employment.

"(1) In general. The Secretary shall give a preference to Indian persons in all personnel actions in the Office.

"(2) Implementation. Such preference shall be implemented in the same fashion as the preference given to any veteran under section 45 of title 25, United States Code.

"SEC. 216. OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS.

"(a) Establishment. There shall be, in the Department, an Office of Bilingual Education and Minority Languages Affairs through which the Secretary shall carry out functions relating to bilingual education.

"(b) Director.

"(1) In general. The Office shall be headed by a Director of Bilingual Education and Minority Languages Affairs, appointed by the Secretary, to whom the Secretary shall delegate all delegable functions relating to bilingual education. The Director shall also be assigned responsibility for recommending improvements and providing technical assistance to other Federal programs serving language-minority and limited-English-proficient students and their families and for assisting the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of language-minority and limited-English language proficient students.

"(2) Organization. The Office shall be organized as the Director determines to be appropriate in order to carry out such functions and responsibilities effectively.

"(3) Inclusion. The Secretary shall ensure that limited-English-proficient and language-minority students are included in ways that are valid, reliable, and fair under all standards and assessment development conducted or funded by the Department.".

PART G LIBRARY SERVICES AND CONSTRUCTION REAUTHORIZATION

SEC. 375. LIBRARY SERVICES AND CONSTRUCTION ACT AUTHORIZATIONS.

(a) In General. Subsection (a) of section 4 of the Library Services and Construction Act (20 U.S.C. 351b(a)) is amended

(1) by striking "for fiscal year 1990 and such sums as may be necessary for each of the 4 succeeding fiscal years" each place the phrase appears and inserting "for fiscal year 1995"; and

(2) in the matter following paragraph (7), by striking "each of the fiscal years 1990, 1991, 1992, 1993, and 1994" and inserting "fiscal year 1995".

(b) Family Learning Centers. Section 806 (20 U.S.C. 385e) is amended to read as follows:

"authorization of appropriations

"Sec. 806. There are authorized to be appropriated such sums as may be necessary for fiscal year 1995 to carry out this part.".

(c) Library Literacy Centers. Section 818 (20 U.S.C. 386g) is amended to read as follows:

"authorization of appropriations

"Sec. 818. There are authorized to be appropriated such sums as may be necessary for fiscal year 1995 to carry out this part.".

PART H AMENDMENTS TO STATUTES PERTAINING TO INDIAN EDUCATION

SEC. 381. BUREAU OF INDIAN AFFAIRS.

Part B of title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.) is amended to read as follows:

"PART B BUREAU OF INDIAN AFFAIRS PROGRAMS

"SEC. 1121. STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN IN BUREAU OF INDIAN AFFAIRS SCHOOLS.

"(a)(1) The purpose of the standards developed under this section shall be to afford Indian students being served by a Bureau funded school with the same opportunities as all other students to achieve the National Education Goals embodied in the Goals 2000: Educate America Act. Consistent with the provisions of this section and section 1131, the Secretary shall take such actions as are necessary to coordinate standards developed and implemented under this section with those in the State improvement plans developed and implemented pursuant to the Goals 2000: Educate America Act for the States in which each Bureau funded school operates. In developing and reviewing such standards and coordination, the Secretary shall utilize the findings and recommendations of the panel established in section 315(b)(4) of such Act.

"(2) The Secretary shall take immediate steps to encourage school boards of Bureau funded schools to engage their communities in adopting declarations of purposes of education in their communities, analyzing the implications of such purposes for their schools, and determining how such purposes may be made to motivate students and faculties and otherwise animate their schools by May 1, 1995. Such declarations shall represent the aspirations of a community for the kinds of persons such community wants its children to increasingly become, and shall include such purposes as assuring that all learners are becoming accomplished in ways important to themselves and respected by their parents and communities, shaping worthwhile and satisfying lives for themselves, exemplifying the best values of the community and humankind, and becoming increasingly effective in shaping the character and quality of the world all learners share.

"(b) Within 18 months of the publication of the voluntary national content standards described in section 213(a) of the Goals 2000: Educate America Act, the Secretary, in consultation with the Secretary of Education and Indian organizations and tribes, shall carry out or cause to be carried out by contract with an Indian organization such studies and surveys, making the fullest use possible of other existing studies, surveys, and plans, as are necessary to establish and revise standards for the basic education of Indian children attending Bureau funded schools. Such studies and surveys shall take into account factors such as academic needs, local cultural differences, type and level of language skills, geographic isolation, and appropriate teacher-student ratios for such children, and shall be directed toward the attainment of equal educational opportunity for such children.

"(c)(1) The Secretary shall revise the minimum academic standards published in the Federal Register of September 9, 1985 (50 Fed. Reg. 174) for the basic education of Indian children in accordance with the purpose described in subsection (a) and the findings of the studies and surveys described in subsection (b), and shall publish such revised standards in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. Within 21 months of the date of enactment of the Improving Americas Schools Act of 1994, the Secretary shall establish final standards, distribute such standards to all the tribes and publish such final standards in the Federal Register. The Secretary shall revise such final standards periodically as necessary. Prior to any revision of such final standards, the Secretary shall distribute such proposed revision to all the tribes, and publish such proposed revision in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.

"(2) The standards described in paragraph (1) shall apply to Bureau schools, and subject to subsection (f), to contract or grant schools, and may also serve as a model for educational programs for Indian children in public schools. In establishing and revising such standards, the Secretary shall take into account the special needs of Indian students and the support and reinforcement of the specific cultural heritage of each tribe.

"(d) The Secretary shall provide alternative or modified standards in lieu of the standards established under subsection (c), where necessary, so that the programs of each school shall be in compliance with the minimum standards required for accreditation of schools in the State where the school is located.

"(e) A tribal governing body, or the local school board so designated by the tribal governing body, shall have the local authority to waive, in part or in whole, the standards established under subsection (c) and (d), where such standards are deemed by such body to be inappropriate. The tribal governing body or designated school board shall, within 60 days thereafter, submit to the Secretary a proposal for alternative standards that take into account the specific needs of the tribes children. Such revised standards shall be established by the Secretary unless specifically rejected by the Secretary for good cause and in writing to the affected tribes or local school board, which rejection shall be final and unreviewable.

"(f)(1) The Secretary, through contracting and grant-making procedures, shall assist school boards of contract or grant schools in the implementation of the standards established under subsections (c) and (d), if the school boards request that such standards, in part or in whole, be implemented. At the request of a contract or grant school board, the Secretary shall provide alternative or modified standards for the standards established under subsections (c) and (d) to take into account the needs of the Indian children and the contract or grant school.

"(2) Within 1 year of the date of the enactment of the Indian Education Technical Amendments Act of 1985, the Bureau shall, either directly or through contract with an Indian organization, establish a consistent system of reporting standards for fiscal control and fund accounting for all contract or grant schools. Such standards shall yield data results comparable to those used by Bureau schools.

"(g) Subject to subsections (e) and (f), the Secretary shall begin to implement the standards established under this section immediately upon the date of their establishment. Not later than January 1, 1995, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all Bureau schools and contract or grant schools up to the level required by the applicable standards established under this section. Such plan shall include detailed information on the status of each schools educational program in relation to the applicable standards established under this section, specific cost estimates for meeting such standards at each school, and specific time lines for bringing each school up to the level required by such standards.

"(h)(1) Except as specifically required by statute, no school or peripheral dormitory operated by the Bureau on or after January 1, 1992, may be closed or consolidated or have its program substantially curtailed unless done according to the requirements of this subsection, except that, in those cases where the tribal governing body, or the local school board concerned (if so designated by the tribal governing body), requests closure or consolidation, the requirements of this subsection shall not apply. The requirements of this subsection shall not apply when a temporary closure, consolidation, or substantial curtailment is required by plant conditions which constitute an immediate hazard to health and safety.

"(2) The Secretary shall, by regulation, promulgate standards and procedures for the closing, consolidation, or substantial curtailment of Bureau schools in accordance with the requirements of this subsection.

"(3) Whenever closure, transfer to any other authority, consolidation, or substantial curtailment of a school is under active consideration or review by any division of the Bureau or the Department of the Interior, the affected tribe, tribal governing body, and designated local school board, will be notified as soon as such consideration or review begins, kept fully and currently informed, and afforded an opportunity to comment with respect to such consideration or review. When a formal decision is made to close, transfer to any other authority, consolidate, or substantially curtail a school, the affected tribe, tribal governing body, and designated local school board shall be notified at least 6 months prior to the end of the school year preceding the proposed closure date. Copies of any such notices and information shall be transmitted promptly to the Congress and published in the Federal Register.

"(4) The Secretary shall make a report to Congress, the affected tribe, and the designated local school board describing the process of the active consideration or review referred to in paragraph (3). At a minimum, the report shall include a study of the impact of such action on the student population, with every effort to identify those students with particular educational and social needs, and to ensure that alternative services are available to such students. Such report shall include the description of the consultation conducted between the potential service provider, current service provider, parents, tribal representative and the tribe or tribes involved, and the Director of the Office of Indian Education Programs within the Bureau regarding such students. No irreversible action may be taken in furtherance of any such proposed school closure, transfer to any other authority, consolidation, or substantial curtailment (including any action which would prejudice the personnel or programs of such school) until the end of the first full academic year after such report is made.

"(5) The Secretary may terminate, contract, transfer to any other authority, or consolidate or substantially curtail the operation or facilities of

"(A) any Bureau funded school that is operated on or after April 1, 1987,

"(B) any program of such a school that is operated on or after April 1, 1987, or

"(C) any school board of a school operated under a grant under the Tribally Controlled Schools Act of 1988, only if the tribal governing body approves such action.

"(i) There are authorized to be appropriated such sums as may be necessary, for academic program costs, in order to bring all Bureau schools and contract or grant schools up to the level required by the applicable standards established under this section.

"(j)(1) All Bureau funded schools shall include within their curriculum a program of instruction relating to alcohol and substance abuse prevention and treatment. The Assistant Secretary shall provide the technical assistance necessary to develop and implement such a program for students in kindergarten and grades 1 through 12, at the request of

"(A) any Bureau school (subject to the approval of the school board of such school);

"(B) any school board of a school operating under a contract entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); or

"(C) any school board of a school operating under a grant under the Tribally Controlled Schools Act of 1988.

"(2) In schools operated directly by the Bureau, the Secretary shall provide for

"(A) accurate reporting of all incidents relating to alcohol and substance abuse; and

"(B) individual student crisis intervention.

"(3) The programs requested under paragraph (1) shall be developed in consultation with the Indian tribe that is to be served by such program and health personnel in the local community of such tribe.

"(4) Schools requesting program assistance under this subsection are encouraged to involve family units and, where appropriate, tribal elders and Native healers in such instructions.

"(k) For purposes of this section, the term ribal governing body means, with respect to any school, the tribal governing body, or tribal governing bodies, that represent at least 90 percent of the students served by such school.

"(l)(1)(A)(i) The Secretary shall only consider the factors described in subparagraphs (B) and (C) in reviewing

"(I) applications from any tribe for the awarding of a contract or grant for a school that is not a Bureau funded school; and

"(II) applications from any tribe or school board of any Bureau funded school for

"(aa) a school which is not a Bureau funded school; or

"(bb) the expansion of a Bureau funded school which would increase the amount of funds received by the Indian tribe or school board under section 1127.

"(ii) The Secretary shall give consideration to all of the factors under clause (i), but none of the applications under clause (i) may be denied based primarily upon the geographic proximity of public education.

"(B) The Secretary shall consider the following factors relating to the program that is the subject of an application described in subparagraph (A):

"(i) The adequacy of facilities or the potential to obtain or provide adequate facilities.

"(ii) Geographic and demographic factors in the affected areas.

"(iii) Adequacy of the applicants program plans or, in the case of a Bureau funded school, of projected needs analysis done either by a tribe or by Bureau personnel.

"(iv) Geographic proximity of comparable public education.

"(v) The stated needs of all affected parties, including students, families, tribal governments at both the central and local levels, and school organizations.

"(C) The Secretary shall consider with respect to applications described in subparagraph (A) the following factors relating to all the educational services available at the time the application is considered:

"(i) Geographic and demographic factors in the affected areas.

"(ii) Adequacy and comparability of programs already available.

"(iii) Consistency of available programs with tribal educational codes or tribal legislation on education.

"(iv) The history and success of these services for the proposed population to be served, as determined from all factors and not just standardized examination performance.

"(2)(A) The Secretary shall make a determination of whether to approve any application described in paragraph (1)(A) by not later than the date that is 180 days after the day on which such application is submitted to the Secretary.

"(B) If the Secretary fails to make the determination described in subparagraph (A) with respect to an application by the date described in subparagraph (A), the application shall be treated as having been approved by the Secretary.

"(3)(A) Any application described in paragraph (1)(A) may be submitted to the Secretary only if

"(i) the application has been approved by the tribal governing body of the students served by (or to be served by) the school or program that is the subject of the application, and

"(ii) written evidence of such approval is submitted with the application.

"(B) Each application described in paragraph (1)(A)

"(i) shall provide information concerning each of the factors described in paragraph (1)(B), and

"(ii) may provide information concerning the factors described in paragraph (1)(C).

"(4) Whenever the Secretary makes a determination to deny approval of any application described in paragraph (1)(A), the Secretary shall

"(A) state the objections in writing to the applicant by not later than the date that is 180 days after the day on which the application is submitted to the Secretary,

"(B) provide assistance to the applicant to overcome stated objections, and

"(C) provide the applicant a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act, and an opportunity to appeal the objections raised by the Secretary.

"(5)(A) Except as otherwise provided in this paragraph, the action which is the subject of any application described in paragraph (1)(A) that is approved by the Secretary shall become effective with the commencement of the academic year succeeding the fiscal year in which the application is approved, or at an earlier date determined by the Secretary.

"(B) If an application is treated as having been approved by the Secretary by reason of paragraph (2)(B), the action that is the subject of the application shall become effective on the date that is 18 months after the date on which the application is submitted to the Secretary, or at an earlier date determined by the Secretary.

"SEC. 1122. NATIONAL CRITERIA FOR DORMITORY SITUATIONS.

"(a) The Secretary, in consultation with the Secretary of the Department of Education, and in consultation with Indian organizations and tribes, shall conduct or cause to be conducted by contract with an Indian organization, a study of the costs applicable to boarding arrangements for Indian students provided in Bureau schools, and contract or grant schools, for the purpose of establishing national criteria for such dormitory situations. Such criteria shall include adult-child ratios, needs for counselors (including special needs related to off-reservation boarding arrangements), space, and privacy.

"(b) Not later than January 1, 1996, the Secretary shall propose such criteria, and shall distribute such proposed criteria to the tribes and publish such proposed criteria in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. Within 18 months of the date of the enactment of the Improving Americas Schools Act of 1994, the Secretary shall establish final criteria, distribute such final criteria to all the tribes, and publish such final criteria in the Federal Register. The Secretary shall revise such final criteria periodically as necessary. Any revisions to the criteria established under this section shall be developed subject to requirements established under section 1131.

"(c) The Secretary shall begin to implement the criteria established under this section immediately upon the date of the establishment of such criteria. Not later than January 1, 1997, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all Bureau contract boarding schools up to the criteria established under this section. Such plan shall include predictions for the relative need for each boarding school in the future, detailed information on the status of each school in relation to the criteria established under this section, specific cost estimates for meeting such criteria at each school, and specific time lines for bringing each school up to the level required by such criteria.

"(d)(1) The criteria established under this section may be waived in the same manner as the standards provided under section 1121(c) may be waived under section 1121(e).

"(2) No school in operation on or before January 1, 1987 (regardless of compliance or noncompliance with the criteria established under this section) may be closed, transferred to another authority, consolidated or have its program substantially curtailed for failure to meet the criteria.

"(3) By not later than May 1, 1996, the Secretary shall submit to the Congress a report detailing the costs associated with, and the actions necessary for, complete compliance with the criteria established under this section.

"(e) There are authorized to be appropriated such sums as may be necessary in order to bring each school up to the level required by the criteria established under this section.

"SEC. 1123. REGULATIONS.

"(a) The provisions of part 32 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, are incorporated into this Act and shall be treated as though such provisions are set forth in this subsection. Accordingly, such provisions may be altered only by means of an amendment to this subsection that is contained in an Act or joint resolution which is enacted into law. To the extent that such provisions of part 32 do not conform with this Act or any statutory provision of law enacted before the date of enactment of this Act, the provisions of this Act and the provisions of such other statutory law shall govern.

"(b) The provisions of parts 31, 33, 36, 39, 42, and 43 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, shall be applied by the Federal Government and shall not, before July 1, 1989, be amended, revoked, or altered in any manner. No officer or employee of the executive branch shall have the authority to issue any other regulations, prior to July 1, 1989, that supersede, supplement, or otherwise affect the provisions of such parts. To the extent that the provisions of such parts do not conform with this Act or any statutory provision of law enacted before the date of enactment of this Act, the provisions of this Act and the provisions of such other statutory law shall govern.

"(c) After June 30, 1989, no regulation prescribed for the application of any program provided under this title shall become effective unless

"(1) the regulation has been published as a proposed regulation in the Federal Register,

"(2) an opportunity of not less than 90 days has been afforded the public to comment on the published proposed regulation, and

"(3) the regulation has, after such period for public comment, been published in the Federal Register as a final regulation.

"(d) For purposes of this section, the term egulation means any rules, regulations, guidelines, interpretations, orders, or requirements of general applicability prescribed by any officer or employee of the executive branch.

"SEC. 1124. SCHOOL BOUNDARIES.

"(a) The Secretary shall, in accordance with this section, establish separate geographical attendance areas for each Bureau school.

"(b)(1) Except as provided in paragraph (2), on or after July 1, 1985, no attendance area shall be changed or established with respect to any Bureau funded school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been (i) afforded at least six months notice of the intention of the Bureau to change or establish such attendance area, and (ii) given the opportunity to propose alternative boundaries. Any tribe may petition the Secretary for revision of existing attendance area boundaries. The Secretary shall accept such proposed alternative or revised boundaries unless the Secretary finds, after consultation with the affected tribe or tribes, that such revised boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the affected programs.

"(2) In any case where there is more than 1 Bureau funded school located on an Indian reservation, at the direction of the tribal governing body, the relevant school boards of the Bureau funded schools on the reservation may, by mutual consent, establish the relevant attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.

"(c) In any case where there is only 1 Bureau operated program located on an Indian reservation, the attendance area for the program shall be the boundaries of the reservation served, and those students residing near the reservation shall also receive services from such program.

"(d) The Bureau shall include in the regulations the requirement that each appropriate education line officer coordinate and consult with the affected tribes and relevant school boards in the establishment of such geographic boundaries.

"SEC. 1125. FACILITIES CONSTRUCTION.

"(a) The Secretary shall immediately begin to bring all schools, dormitories, and other facilities operated by the Bureau or under contract or grant with the Bureau in connection with the education of Indian children into compliance with all applicable Federal, tribal, or State health and safety standards, whichever provide greater protection (except that the tribal standards to be applied shall be no greater than any otherwise applicable Federal or State standards), with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and with the Americans with Disabilities Act of 1990, except that nothing in this section shall require termination of the operations of any facility which does not comply with such provisions and which is in use on the date of enactment of the Improving Americas Schools Act of 1994.

"(b) By January 1, 1996, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring such facilities into compliance with such standards. Such plan shall include detailed information on the status of each facilitys compliance with such standards, specific cost estimates for meeting such standards at each school, and specific time lines for bringing each school into compliance with such standards.

"(c) Within six months of the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress, and publish in the Federal Register, the system used to establish priorities for school construction projects. At the time any budget request for school construction is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all school construction priorities.

"(d)(1) A Bureau school may be closed or consolidated, and the programs of a Bureau school may be substantially curtailed, by reason of plant conditions that constitute an immediate hazard to health and safety only if a health and safety officer of the Bureau determines that such conditions exist at the Bureau school.

"(2)(A) In making determinations described in paragraph (1) before July 1, 1989, health and safety officers of the Bureau shall use the health and safety guidelines of the Bureau that were in effect on January 1, 1988.

"(B)(i) If

"(I) the Secretary fails to publish in the Federal Register in final form before July 1, 1989, and

"(II) action described in paragraph (1) is taken after June 30, 1989, and before the date on which such regulations are published in final form in the Federal Register by reason of the condition of any plant,

an inspection of the condition of such plant shall be conducted by an appropriate tribal, county, municipal, or State health and safety officer to determine whether conditions at such plant constitute an immediate hazard to health and safety. Such inspection shall be completed by not later than the date that is 30 days after the date on which the action described in paragraph (1) is taken.

"(ii) The inspection required under clause (i) shall be conducted by a health and safety officer designated jointly by the Secretary and the tribes affected by the action described in paragraph (1). If the Secretary and such tribes are unable to agree on the designation of the health and safety officer, the Secretary shall designate the health and safety officer and shall provide notice of such designation to each of such tribes before the inspection is conducted by such officer.

"(iii) If the health and safety officer conducting an inspection of a plant required under clause (i) determines that conditions at the plant do not constitute an immediate hazard to health and safety, any consolidation or curtailment that was made by reason of conditions at the plant shall immediately cease and any school closed by reason of conditions at the plant shall be reopened immediately.

"(3) If

"(A) a Bureau school is temporarily closed or consolidated, or the programs of a Bureau school are substantially curtailed, by reason of plant conditions that constitute an immediate hazard to health and safety, and

"(B) the Secretary estimates that the closure, consolidation, or curtailment will be more than 1 year in duration,

the Secretary shall submit to the Congress, by not later than the date that is 6 months after the date on which the closure, consolidation, or curtailment is initiated, a report which sets forth the reasons for such temporary actions and the actions the Secretary is taking to eliminate the conditions that constitute the hazard.

"(e) There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

"SEC. 1126. BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS.

"(a) The Secretary shall vest in the Assistant Secretary for Indian Affairs all functions with respect to formulation and establishment of policy and procedure, and supervision of programs and expenditures of Federal funds for the purpose of Indian education administered by the Bureau. The Assistant Secretary shall carry out such functions through the Director of the Office of Indian Education.

"(b) The Director of the Office shall direct and supervise the operations of all personnel directly and substantially involved with provision of education services by the Bureau, including school or institution custodial or maintenance personnel. The Assistant Secretary for Indian Affairs shall provide for the adequate coordination between the affected Bureau Offices and the Office to facilitate the consideration of all contract functions relating to education. Except as required by section 1129, nothing in this Act shall be construed to require the provision of separate support services for Indian education.

"(c) Education personnel who are under the direction and supervision of the Director of the Office in accordance with the first sentence of subsection (b) shall

"(1) monitor and evaluate Bureau education programs,

"(2) provide all services and support functions for education programs with respect to personnel matters involving staffing actions and functions, and

"(3) provide technical and coordinating assistance in areas such as procurement, contracting, budgeting, personnel, and curriculum.

"(d)(1) The Assistant Secretary shall submit in the annual Budget a plan

"(A) for school facilities to be constructed under the system required by section 1125(c);

"(B) for establishing priorities among projects and for the improvement and repair of education facilities, which together shall form the basis for the distribution of appropriated funds; and

"(C) including a 5-year plan for capital improvements.

"(2)(A) The Assistant Secretary shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of education facilities. Such program shall include

"(i) a method of computing the amount necessary for each education facility;

"(ii) similar treatment of all Bureau funded schools;

"(iii) a notice of an allocation of appropriated funds from the Director of the Office directly to the appropriate education line officers; and

"(iv) a system for the conduct of routine preventive maintenance.

"(B) The appropriate education line officers shall make arrangements for the maintenance of education facilities with the local supervisors of the Bureau maintenance personnel who are under the authority of the agency superintendent or area directors, respectively. The local supervisors of Bureau maintenance personnel shall take appropriate action to implement the decisions made by the appropriate education line officers, except that no funds under this part may be authorized for expenditure unless such appropriate education line officer is assured that the necessary maintenance has been, or will be, provided in a reasonable manner. Subject to the requirements of subsection (b) of this section, nothing in this Act shall be construed to require the provision of separate operations and maintenance personnel for the Office.

"(3) The requirements of this subsection shall be implemented not later than July 1, 1995.

"(e) Notwithstanding any other provision of law, the Director shall promulgate guidelines for the establishment of mechanisms for the acceptance of gifts and bequests for the use of, and benefit of, particular schools or designated Bureau operated education programs, including, where appropriate, the establishment and administration of trust funds. When a Bureau operated program is the beneficiary of such a gift or bequest, the Director shall make provisions for monitoring its use, and shall report to the appropriate committees of Congress the amount and terms of such gift or bequest, the use to which such gift or bequest is put, and any positive results achieved by such action.

"(f) For the purpose of this section the term unctions includes powers and duties.

"SEC. 1127. ALLOTMENT FORMULA.

"(a)(1) The Secretary shall establish, by regulation adopted in accordance with section 1139, a formula for determining the minimum annual amount of funds necessary to sustain each Bureau funded school. In establishing such formula, the Secretary shall consider

"(A) the number of eligible Indian students served and size of the school;

"(B) special cost factors, such as

"(i) the isolation of the school;

"(ii) the need for special staffing, transportation, or educational programs;

"(iii) food and housing costs;

"(iv) maintenance and repair costs associated with the physical condition of the educational facilities;

"(v) special transportation and other costs of isolated and small schools;

"(vi) the costs of boarding arrangements, where determined necessary by a tribal governing body or designated local school board;

"(vii) costs associated with greater lengths of service by educational personnel; and

"(viii) special programs for gifted and talented students;

"(C) the cost of providing academic services which are at least equivalent to those provided by public schools in the State in which the school is located; and

"(D) such other relevant factors as the Secretary determines are appropriate.

"(2) Upon the establishment of the standards required by sections 1121 and 1122, the Secretary shall revise the formula established under this subsection to reflect the cost and funding standards so established. Prior to January 1, 1996, the Secretary shall review the formula established under this section and shall take such steps as may be necessary to increase the availability of counseling services for students in off-reservation boarding schools and other Bureau operated residential facilities. Concurrent with such action, the Secretary shall review the standards established under section 1121 to be certain that adequate provision is made for parental notification regarding, and consent for, such counseling services.

"(b) Notwithstanding any other provisions of law, Federal funds appropriated for the general local operation of Bureau funded schools shall be allotted pro rata in accordance with the formula established under subsection (a).

"(c)(1) For fiscal year 1990, and for each subsequent fiscal year, the Secretary shall adjust the formula established under subsection (a) to

"(A) use a weighted unit of 1.2 for each eligible Indian student enrolled in the seventh and eighth grades of the school in considering the number of eligible Indian students served by the school;

"(B) consider a school with an enrollment of less than 50 eligible Indian students as having an average daily attendance of 50 eligible Indian students for purposes of implementing the adjustment factor for small schools; and

"(C) take into account the provision of residential services on a less than 9-month basis at a school when the school board and supervisor of the school determine that a less than 9-month basis will be implemented for the school year involved.

"(2)(A) The Secretary shall reserve for national school board training 0.2 percent of the funds appropriated for each fiscal year for distribution under this section. Such training shall be conducted through the same organizations through which, and in the same manner in which, the training was conducted in fiscal year 1992, except that the contracts for distribution of such funds shall require that such funds be distributed by the recipient organizations in a manner that assures the same pro rata share is made available for training for each school board in the system. If the contract for such training is not awarded before May 1 of each fiscal year, the contract under which such training was provided for the fiscal year preceding such fiscal year shall be renewed by the Secretary for such fiscal year. The agenda for the training sessions shall be established by the school boards through their regional or national organizations.

"(B) For each year in which the Secretary uses a weighted unit formula established under subsection (a) to fund Bureau schools, a Bureau school which generates less than 168 weighted units shall receive an additional 2 weighted units to defray school board activities.

"(C) From the funds allotted in accordance with the formula established under subsection (a) for each Bureau school, the local school board of such school may reserve an amount which does not exceed the greater of

"(i) $5,000, or

"(ii) the lesser of

"(I) $15,000, or

"(II) 1 percent of such allotted funds,

for school board activities for such school, including and notwithstanding any other provision of law, meeting expenses and the cost of membership in, and support of, organizations engaged in activities on behalf of Indian education.

"(3) The Secretary shall adjust the formula established under subsection (a) to use a weighted unit of 2.0 for each eligible Indian student that

"(A) is gifted and talented, and

"(B) is enrolled in the school on a full-time basis, in considering the number of eligible Indian students served by the school.

"(4)(A) The Secretary shall adjust the formula established under subsection (a) to use a weighted unit of 0.25 for each eligible Indian student who is enrolled in a year-long credit course in an Indian or Native language as part of the regular curriculum of a school, in considering the number of eligible Indian students served by such school.

"(B) The adjustment required under subparagraph (A) shall be used for such school after

"(i) the certification of the Indian or Native language curriculum by the school board of such school to the Secretary, together with an estimate of the number of full-time students expected to be enrolled in the curriculum in the second school year following the school year for which the certification is made; and

"(ii) the funds appropriated for allotment under this section are designated by the appropriations Act appropriating such funds as the amount necessary to implement such adjustment at such school without reducing allotments made under this section to any school by virtue of such adjustment.

"(d) The Secretary shall reserve from the funds available for distribution for each fiscal year under this section an amount which, in the aggregate, shall equal 1 percent of the funds available for such purpose for that fiscal year. Such funds shall be used, at the discretion of the Director of the Office, to meet emergencies and unforeseen contingencies affecting the education programs funded under this section. Funds reserved under this subsection may only be expended for education services or programs at a schoolsite (as defined in section 5204(c)(2) of the Tribally Controlled Schools Act of 1988). Funds reserved under this subsection shall remain available without fiscal year limitation until expended. However, the aggregate amount available from all fiscal years may not exceed 1 percent of the current year funds. Whenever the Secretary makes funds available under this subsection, the Secretary shall report such action to the appropriate committees of Congress within the annual budget submission.

"(e) Supplemental appropriations enacted to meet increased pay costs attributable to school level personnel shall be distributed under this section.

"(f) For the purpose of this section, the term ligible Indian student means a student who

"(1) is a member of or is at least a 1/4 degree Indian blood descendant of a member of an Indian tribe which is eligible for the special programs and services provided by the United States through the Bureau to Indians because of their status as Indians, and

"(2) resides on or near an Indian reservation or meets the criteria for attendance at a Bureau off-reservation boarding school.

"(g)(1) An eligible Indian student may not be charged tuition for attendance at a Bureau school or contract or grant school. A student attending a Bureau school under paragraph (2)(C) may not be charged tuition.

"(2) The Secretary may permit the attendance at a Bureau school of a student who is not an eligible Indian student if

"(A) the Secretary determines that the students attendance will not adversely affect the schools program for eligible Indian students because of cost, overcrowding, or violation of standards,

"(B) the school board consents,

"(C) the student is a dependent of a Bureau, Indian Health Service, or tribal government, employee who lives on or near the school site, or

"(D) a tuition is paid for the student that is not more than that charged by the nearest public school district for out-of-district students, is in addition to the schools allocation under this section.

"(3) The school board of a contract or grant school may permit students who are not eligible Indian students under this subsection to attend its contract school or grant school and any tuition collected for those students is in addition to funding under this section.

"(h) Notwithstanding any other provision of law, at the election of the school board of a Bureau school made at any time during the fiscal year, a portion equal to not more than 15 percent of the funds allocated with respect to a school under this section for any fiscal year shall remain available to the school for expenditure without fiscal year limitation. The Assistant Secretary shall take steps as may be necessary to implement this provision immediately.

"(i) Beginning with academic year 1994-1995, tuition for the out-of-State students boarding at the Richfield Dormitory in Richfield, Utah, who attend Sevier County high schools in Richfield, Utah, shall be paid from the Indian school equalization program funds authorized in this section and section 1130 at a rate not to exceed the amount per weighted student unit for that year for the instruction of such students. No additional administrative cost funds shall be added to the grant.

"SEC. 1128. ADMINISTRATIVE COST GRANTS.

"(a)(1) The Secretary shall, subject to the availability of appropriated funds, provide grants to each tribe or tribal organization operating a contract school or grant school in the amount determined under this section with respect to the tribe or tribal organization for the purpose of paying the administrative and indirect costs incurred in operating contract or grant schools in order to

"(A) enable tribes and tribal organizations operating such schools, without reducing direct program services to the beneficiaries of the program, to provide all related administrative overhead services and operations necessary to meet the requirements of law and prudent management practice, and

"(B) carry out other necessary support functions which would otherwise be provided by the Secretary or other Federal officers or employees, from resources other than direct program funds, in support of comparable Bureau operated programs.

"(2) Amounts appropriated to fund the grants provided under this section shall be in addition to, and shall not reduce, the amounts appropriated for the program being administered by the contract or grant school.

"(b)(1) The amount of the grant provided to each tribe or tribal organization under this section for each fiscal year shall be determined by applying the administrative cost percentage rate of the tribe or tribal organization to the aggregate of the Bureau elementary and secondary functions operated by the tribe or tribal organization for which funds are received from or through the Bureau. The administrative cost percentage rate determined under subsection (c) does not apply to other programs operated by the tribe or tribal organization.

"(2) The Secretary shall

"(A) reduce the amount of the grant determined under paragraph (1) to the extent that payments for administrative costs are actually received by an Indian tribe or tribal organization under any Federal education program included in the direct cost base of the tribe or tribal organization, and

"(B) take such actions as may be necessary to be reimbursed by any other department or agency of the Federal Government for the portion of grants made under this section for the costs of administering any program for Indians that is funded by appropriations made to such other department or agency.

"(c)(1) For purposes of this section, the administrative cost percentage rate for a contract or grant school for a fiscal year is equal to the percentage determined by dividing

"(A) the sum of

"(i) the amount equal to

"(I) the direct cost base of the tribe or tribal organization for the fiscal year, multiplied by

"(II) the minimum base rate, plus

"(ii) the amount equal to

"(I) the standard direct cost base, multiplied by

"(II) the maximum base rate, by

"(B) the sum of

"(i) the direct cost base of the tribe or tribal organization for the fiscal year, plus

"(ii) the standard direct cost base.

"(2) The administrative cost percentage rate shall be determined to the 1/100 of a decimal point.

"(d)(1)(A) Funds received by a tribe or contract or grant school as grants under this section for tribal elementary or secondary educational programs may be combined by the tribe or contract or grant school into a single administrative cost account without the necessity of maintaining separate funding source accounting.

"(B) Indirect cost funds for programs at the school which share common administrative services with tribal elementary or secondary educational programs may be included in the administrative cost account described in subparagraph (A).

"(2) Funds received as grants under this section with respect to tribal elementary or secondary education programs shall remain available to the contract or grant school without fiscal year limitation and without diminishing the amount of any grants otherwise payable to the school under this section for any fiscal year beginning after the fiscal year for which the grant is provided.

"(3) Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived.

"(4) In applying this section and section 105 of the Indian Self-Determination and Education Assistance Act with respect to an Indian tribe or tribal organization that

"(A) receives funds under this section for administrative costs incurred in operating a contract or grant school or a school operated under the Tribally Controlled Schools Act of 1988, and

"(B) operates 1 or more other programs under a contract or grant provided under the Indian Self-Determination and Education Assistance Act,

the Secretary shall ensure that the Indian tribe or tribal organization is provided with the full amount of the administrative costs, and of the indirect costs, that are associated with operating the contract or grant school, a school operated under the Tribally Controlled Schools Act of 1988, and all of such other programs, except that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section.

"(e) For purposes of this section:

"(1)(A) The term dministrative cost means the costs of necessary administrative functions which

"(i) the tribe or tribal organization incurs as a result of operating a tribal elementary or secondary educational program,

"(ii) are not customarily paid by comparable Bureau operated programs out of direct program funds, and

"(iii) are either

"(I) normally provided for comparable Bureau programs by Federal officials using resources other than Bureau direct program funds, or

"(II) are otherwise required of tribal self-determination program operators by law or prudent management practice.

"(B) The term dministrative cost may include

"(i) contract or grant (or other agreement) administration;

"(ii) executive, policy, and corporate leadership and decisionmaking;

"(iii) program planning, development, and management;

"(iv) fiscal, personnel, property, and procurement management;

"(v) related office services and record keeping; and

"(vi) costs of necessary insurance, auditing, legal, safety and security services.

"(2) The term ureau elementary and secondary functions means

"(A) all functions funded at Bureau schools by the Office;

"(B) all programs

"(i) funds for which are appropriated to other agencies of the Federal Government, and

"(ii) which are administered for the benefit of Indians through Bureau schools; and

"(C) all operation, maintenance, and repair funds for facilities and government quarters used in the operation or support of elementary and secondary education functions for the benefit of Indians, from whatever source derived.

"(3)(A) Except as otherwise provided in this subparagraph (B), the direct cost base of a tribe or tribal organization for the fiscal year is the aggregate direct cost program funding for all tribal elementary or secondary educational programs operated by the tribe or tribal organization during

"(i) the second fiscal year preceding such fiscal year, or

"(ii) if such programs have not been operated by the tribe or tribal organization during the 2 preceding fiscal years, the first fiscal year preceding such fiscal year.

"(B) In the case of Bureau elementary or secondary education functions which have not previously been operated by a tribe or tribal organization under contract, grant, or agreement with the Bureau, the direct cost base for the initial year shall be the projected aggregate direct cost program funding for all Bureau elementary and secondary functions to be operated by the tribe or tribal organization during that fiscal year.

"(4) The term aximum base rate means 50 percent.

"(5) The term inimum base rate means 11 percent.

"(6) The term tandard direct cost base means $600,000.

"(7) The term ribal elementary or secondary educational programs means all Bureau elementary and secondary functions, together with any other Bureau programs or portions of programs (excluding funds for social services that are appropriated to agencies other than the Bureau and are expended through the Bureau, funds for major subcontracts, construction, and other major capital expenditures, and unexpended funds carried over from prior years) which share common administrative cost functions, that are operated directly by a tribe or tribal organization under a contract, grant, or agreement with the Bureau.

"(f)(1) Upon the date of enactment of the Indian Education Amendments of 1988, the Secretary shall

"(A) conduct such studies as may be needed to establish an empirical basis for determining relevant factors substantially affecting the required administrative costs of tribal elementary and secondary educational programs, using the formula set forth in subsection (c), and

"(B) conduct a study to determine

"(i) a maximum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the smallest tribal elementary or secondary educational programs,

"(ii) a minimum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the largest tribal elementary or secondary educational programs, and

"(iii) a standard direct cost base which is the aggregate direct cost funding level for which the percentage determined under subsection (c) will

"(I) be equal to the median between the maximum base rate and the minimum base rate, and

"(II) ensure that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of tribal elementary or secondary educational programs closest to the size of the program.

"(2) The studies required under paragraph (1) shall

"(A) be conducted in full consultation (in accordance with section 1131) with

"(i) the tribes and tribal organizations that are affected by the application of the formula set forth in subsection (c), and

"(ii) all national and regional Indian organizations of which such tribes and tribal organizations are typically members;

"(B) be conducted onsite with a representative statistical sample of the tribal elementary or secondary educational programs under a contract entered into with a nationally reputable public accounting and business consulting firm;

"(C) take into account the availability of skilled labor, commodities, business and automatic data processing services, related Indian preference and Indian control of education requirements, and any other market factors found substantially to affect the administrative costs and efficiency of each such tribal elementary or secondary educational program studied in order to assure that all required administrative activities can reasonably be delivered in a cost effective manner for each such program, given an administrative cost allowance generated by the values, percentages, or other factors found in the studies to be relevant in such formula;

"(D) identify, and quantify in terms of percentages of direct program costs, any general factors arising from geographic isolation, or numbers of programs administered, independent of program size factors used to compute a base administrative cost percentage in such formula; and

"(E) identify any other incremental cost factors substantially affecting the costs of required administrative cost functions at any of the tribal elementary or secondary educational programs studied and determine whether the factors are of general applicability to other such programs, and (if so) how the factors may effectively be incorporated into such formula.

"(3) In carrying out the studies required under this subsection, the Secretary shall obtain the input of, and afford an opportunity to participate to, the Inspector General of the Department of the Interior.

"(4) Determinations described in paragraph (2)(C) shall be based on what is pragmatically possible to do at each location studied, given prudent management practice, irrespective of whether required administrative services were actually or fully delivered at these sites, or other services were delivered instead, during the period of the study.

"(5) Upon completion of the studies conducted under paragraph (1), but in no case later than October 1, 1989, the Secretary shall submit to the Congress a report on the findings of the studies, together with determinations based upon such findings that would affect the definitions of terms used in the formula that is set forth in subsection (c).

"(6) The Secretary shall include in the Bureaus justification for each appropriations request for each fiscal year beginning after fiscal year 1989, a projection of the overall costs associated with the formula set forth in subsection (c) for all tribal elementary or secondary educational programs which the Secretary expects to be funded in the fiscal year for which the appropriations are sought.

"(7) For purposes of this subsection, the size of tribal elementary or secondary educational programs is determined by the aggregate direct cost program funding level for all Bureau funded programs which share common administrative cost functions.

"(g)(1) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

"(2) If the total amount of funds necessary to provide grants to tribes and tribal organizations in the amounts determined under subsection (b) for a fiscal year exceeds the amount of funds appropriated to carry out this section for such fiscal year, the Secretary shall reduce the amount of each grant determined under subsection (b) for such fiscal year by an amount that bears the same relationship to such excess as the amount of such grant determined under subsection (b) bears to the total of all grants determined under subsection (b) for all tribes and tribal organizations for such fiscal year.

"(h)(1) Notwithstanding any other provision of this section, the amount of the grants provided under this section for fiscal year 1989 shall

"(A) in lieu of being determined under subsection (b), be determined for each tribal elementary or secondary educational program on the same basis that indirect costs were determined for such programs for fiscal year 1988, and

"(B) be subject to the provisions of subsection (d).

"(2) Notwithstanding any other provision of this section, the amount of the grant provided under this section for fiscal year 1990 with respect to each tribal elementary and secondary educational program that was operated by a tribe or tribal organization in fiscal year 1989 shall be equal to

"(A) if the amount of the grant determined under subsection (b) for fiscal year 1990 with respect to such program exceeds the amount received by the tribe or tribal organization with respect to such program for administrative costs for fiscal year 1988 (or fiscal year 1989 if such program was not operated by the tribe or tribal organization during fiscal year 1988), the sum of

"(i) such amount received, plus

"(ii) 1/3 of the excess of

"(I) such amount determined under subsection (b), over

"(II) such amount received, or

"(B) if such amount received exceeds such amount determined under subsection (b), the excess of

"(i) such amount received, over

"(ii) an amount equal to 1/3 of the excess of

"(I) such amount received, over

"(II) such amount determined under subsection (b).

"(3) Notwithstanding any other provision of this section, the amount of the grants provided under this section for fiscal year 1991 with respect to each tribal elementary and secondary educational program that was operated by a tribe or tribal organization in fiscal year 1989 shall be equal to

"(A) if the amount of the grant determined under subsection (b) for fiscal year 1991 with respect to such program exceeds the amount received by the tribe or tribal organization with respect to such program for administrative costs for fiscal year 1990, the sum of

"(i) such amount received, plus

"(ii) 1/2 of the excess of

"(I) such amount determined under subsection (b), over

"(II) such amount received, or

"(B) if such amount received exceeds such amount determined under subsection (b), the excess of

"(i) such amount received, over

"(ii) an amount equal to 1/2 of the excess of

"(I) such amount received over,

"(II) such amount determined under subsection (b).

"(i) The provisions of this section shall also apply to those schools operating under the Tribally Controlled Schools Act of 1988.

"SEC. 1129. DIVISION OF BUDGET ANALYSIS.

"(a) Within 24 months of the date of enactment of the Improving Americas Schools Act of 1994, the Secretary shall establish within the Office a Division of Budget Analysis (hereinafter referred to as the ivision). Such Division shall be under the direct supervision and control of the Director of the Office.

"(b) The Division shall have the capacity to conduct such studies, surveys, or other activities as are necessary to gather demographic information on Bureau-funded schools (current and future) and project the amount necessary to provide Indian students in such schools the educational program set forth in this part.

"(c) The Division shall prepare projections on such amounts, along with such other information as the Director of the Office shall require, for each fiscal year beginning after October 1, 1996. The Director of the Office and the Assistant Secretary for Indian Affairs shall use such reports when preparing their annual budget submissions.

"SEC. 1130. UNIFORM DIRECT FUNDING AND SUPPORT.

"(a)(1) Within six months after the date of enactment of the Improving Americas Schools Act of 1994, the Secretary shall establish, by regulation adopted in accordance with section 1139, a system for the direct funding and support of all Bureau funded schools. Such system shall allot funds, in accordance with section 1127. All amounts appropriated for distribution under this section may be made available under paragraph (2).

"(2)(A) For the purpose of affording adequate notice of funding available pursuant to the allotments made by section 1127, amounts appropriated in an appropriation Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which such amounts are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year.

"(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph

"(i) publish, on July 1 of the fiscal year for which the funds are appropriated, allotments to each affected school made under section 1127 of 85 percent of such appropriation; and

"(ii) publish, not later than September 30 of such fiscal year, the allotments to be made under section 1127 of the remaining 15 percent of such appropriation, adjusted to reflect actual student attendance.

"(3)(A) Notwithstanding any law or regulation, the supervisor of a Bureau school may expend an aggregate of not more than $35,000 of the amount allotted the school under section 1127 to acquire supplies and equipment for the school without competitive bidding if

"(i) the cost for any single item purchased does not exceed $10,000;

"(ii) the school board approves the procurement;

"(iii) the supervisor certifies that the cost is fair and reasonable;

"(iv) the documents relating to the procurement executed by the supervisor or other school staff cite this paragraph as authority for the procurement; and

"(v) the transaction is documented in a journal maintained at the school clearly identifying when the transaction occurred, what was acquired and from whom, the prices paid, the quantities acquired, and any other information the supervisor or school board considers relevant.

"(B) The Director shall be responsible for determining the application of this paragraph, including the authorization of specific individuals to carry out this paragraph, and shall be responsible for the provision of guidelines on the use of this paragraph and adequate training on such guidelines.

"(4) If a sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 reduces the amount of funds available for allotment under section 1127 for any fiscal year by more than 7 percent of the amount of funds available for allotment under such section during the preceding fiscal year

"(A) the Secretary, notwithstanding any other law, may use

"(i) funds appropriated for the operation of any Bureau school that is closed or consolidated, and

"(ii) funds appropriated for any program that has been curtailed at any Bureau school,

to fund allotments made under section 1127, and

"(B) the Secretary may waive the application of the provisions of section 1121(h) with respect to the closure or consolidation of a school, or the curtailment of a program at a school, during such fiscal year if the funds described in clauses (i) and (ii) of subparagraph (A) with respect to such school are used to fund allotments made under section 1127 for such fiscal year.

"(b) In the case of all Bureau schools, allotted funds shall be expended on the basis of local financial plans which shall be prepared by the local school supervisor in active consultation with the local school board for each school, and the local school board for each school shall have the authority to ratify, reject, or amend such financial plan, and expenditures thereunder, and, on its own determination or in response to the supervisor of the school, to revise such financial plan to meet needs not foreseen at the time of preparation of the financial plan. The supervisor shall provide the appropriate union representative of the education employees with copies of proposed draft financial plans and all amendments or modifications thereto, at the same time such copies are submitted to the local school board. The supervisor of the school may appeal any such action of the local school board to the appropriate education line officer of the Bureau agency by filing a written statement describing the action and the reasons the supervisor believes such action should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the appropriate education line officer may, for good cause, overturn the action of the local school board. The appropriate line education officer shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such action.

"(c) Funds for self-determination grants under section 103(a)(2) of the Indian Self-Determination and Education Assistance Act shall not be used for providing technical assistance and training in the field of education by the Bureau unless such services are provided in accordance with a plan, agreed to by the tribe or tribes affected and the Bureau, under which control of education programs is intended to be transferred to such tribe or tribes within a specific period of time negotiated under such agreement. The Secretary may approve applications for funding tribal divisions of education and the development of tribal codes of education from funds appropriated pursuant to section 104(a) of such Act.

"(d) In the exercise of its authority under this section, a local school board may request technical assistance and training from the Secretary, and the Secretary shall, to the greatest extent possible, provide such services, and make appropriate provisions in the budget of the Office for such services.

"(e)(1) A financial plan under subsection (b) for a school may include, at the discretion of the local administrator and the school board of such school, a provision for a summer program of academic and support services for students of the school. Any such program may include activities related to the prevention of alcohol and substance abuse. The Assistant Secretary of Indian Affairs shall provide for the utilization of any such school facility during any summer in which such utilization is requested.

"(2) Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934 (25 U.S.C. 452 et seq.) and this Act may be used to augment the services provided in each summer program at the option, and under the control, of the tribe or Indian controlled school receiving such funds.

"(3) The Assistant Secretary of Indian Affairs, acting through the Director of the Office, shall provide technical assistance and coordination for any program described in paragraph (1) and shall, to the extent possible, encourage the coordination of such programs with any other summer programs that might benefit Indian youth, regardless of the funding source or administrative entity of any such program.

"(f)(1) From funds allotted to a Bureau school under section 1127, the Secretary shall, if specifically requested by the tribal governing body (within the meaning of section 1121(k)), implement any cooperative agreement entered into between the tribe, the Bureau school board, and the local public school district which meets the requirements of paragraph (2) and involves the school. The tribe, the Bureau school board, and the local public school district shall determine the terms of the agreement. Such agreement may encompass coordination of all or any part of the following:

"(A) Academic program and curriculum, unless the Bureau school is currently accredited by a State or regional accrediting entity and would not continue to be so accredited.

"(B) Support services, including procurement and facilities maintenance.

"(C) Transportation.

"(2) Each agreement entered into pursuant to the authority provided in paragraph (1) shall confer a benefit upon the Bureau school commensurate with the burden assumed, though this requirement shall not be construed so as to require equal expenditures or an exchange of similar services.

"(g) Notwithstanding any other provision of law, where there is agreement on action between the superintendent and the school board of a Bureau funded school, the product or result of a project conducted in whole or in major part by a student may be given to that student upon the completion of such project.

"(h) Notwithstanding any other provision of law, funds received by a Bureau funded school under this title shall not be considered Federal funds for purposes of meeting a matching funds requirement in any Federal program.

"SEC. 1131. POLICY FOR INDIAN CONTROL OF INDIAN EDUCATION.

"(a) It shall be the policy of the Secretary and the Bureau, in carrying out the functions of the Bureau, to facilitate Indian control of Indian affairs in all matters relating to education.

"(b)(1) All actions under this Act shall be done with active consultation with tribes.

"(2) The consultation required under paragraph (1) means a process involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and all interested parties. During such discussions and joint deliberations, interested parties (including tribes and school officials) shall be given an opportunity to present issues including proposals regarding changes in current practices or programs which will be considered for future action by the Bureau. All interested parties shall be given an opportunity to participate and discuss the options presented or to present other alternatives, with the views and concerns of the interested parties given effect unless the Secretary determines, from information educed or presented by the interested parties during 1 or more of the discussions and deliberations, that there is a substantial reason for another course of action. The Secretary shall submit to any Member of Congress, within 18 days of the receipt of a written request by such Member, a written explanation of any decision made by the Secretary which is not consistent with the views of the interested parties.

"SEC. 1132. EDUCATION PERSONNEL.

"(a)(1) Chapter 51, subchapter III of chapter 53, and chapter 63 of title 5, United States Code, relating to classification, pay, and leave, respectively, and the sections of such title relating to the appointment, promotion, and removal of civil service employees, shall not apply to educators or to education positions (as defined in subsection (n)).

"(2) Paragraph (1) shall take effect 1 year after the date of enactment of this Act.

"(b) Not later than the effective date of subsection (a)(2), the Secretary shall prescribe regulations to carry out this section. Such regulations shall govern

"(1) the establishment of education positions,

"(2) the establishment of qualifications for educators,

"(3) the fixing of basic compensation for educators and education positions,

"(4) the appointment of educators,

"(5) the discharge of educators,

"(6) the entitlement of educators to compensation,

"(7) the payment of compensation to educators,

"(8) the conditions of employment of educators,

"(9) the length of the school year applicable to education positions described in subsection (n)(1)(A),

"(10) the leave system for educators, and

"(11) such other matters as may be appropriate.

"(c)(1) In prescribing regulations to govern the qualifications of educators, the Secretary shall require

"(A)(i) that lists of qualified and interviewed applicants for education positions be maintained in each agency and area office of the Bureau from among individuals who have applied at the agency or area level for an education position or who have applied at the national level and have indicated in such application an interest in working in certain areas or agencies; and

"(ii) that a list of qualified and interviewed applicants for education positions be maintained in the Office from among individuals who have applied at the national level for an education position and who have expressed interest in working in an education position anywhere in the United States;

"(B) that a local school board shall have the authority to waive on a case-by-case basis, any formal education or degree qualifications established by regulation pursuant to subsection (b)(2), in order for a tribal member to be hired in an education position to teach courses on tribal culture and language and that subject to subsection (d)(2)(A), a determination by a school board that such a person be hired shall be followed by the supervisor; and

"(C) that it shall not be a prerequisite to the employment of an individual in an education position at the local level that such individuals name appear on the national list maintained pursuant to paragraph (1)(A)(ii) or that such individual has applied at the national level for an education position.

"(2) The Secretary may authorize the temporary employment in an education position of an individual who has not met the certification standards established pursuant to regulations, if the Secretary determines that failure to do so would result in that position remaining vacant.

"(d)(1) In prescribing regulations to govern the appointment of educators, the Secretary shall require

"(A)(i) that educators employed in a school (other than the supervisor of the school) shall be hired by the supervisor of the school unless there are no qualified applicants available, in which case the vacant position shall be filed at the national level from the list maintained pursuant to subsection (c)(1)(A)(ii);

"(ii) each school supervisor shall be hired by the education line officer of the agency office of the Bureau in which the school is located, and

"(iii) educators employed in an agency office of the Bureau shall be hired by the superintendent for education of the agency office;

"(B) that before an individual is employed in an education position in a school by the supervisor of a school (or, with respect to the position of supervisor, by the appropriate agency education line officer), the local school board for the school shall be consulted, and that subject to paragraph (2), a determination by the school board that such individual should or should not be so employed shall be followed by the supervisor (or with respect to the position of supervisor, by the agency superintendent for education); and

"(C) that before an individual may be employed in an education position at the agency level, the appropriate agency school board shall be consulted, and that, subject to paragraph (3), a determination by such school board that such individual should or should not be employed shall be followed by the agency superintendent for education.

"(2)(A) The supervisor of a school may appeal to the appropriate agency education line officer any determination by the local school board for the school that an individual be employed, or not be employed, in an education position in the school (other than that of supervisor) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the education line officer may, for good cause, overturn the determination of the local school board. The education line officer shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such determination.

"(B) The education line officer of an agency office of the Bureau may appeal to the Director of the Office any determination by the local school board for the school that an individual be employed, or not be employed, as the supervisor of a school by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the local school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such education line officer identifying the reasons for overturning such determination.

"(3) The education line officer of an agency office of the Bureau may appeal to the Director of the Office any determination by the agency school board that an individual be employed, or not be employed, in an education position in such agency office by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the agency school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the agency school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such education line officer identifying the reasons for overturning such determination.

"(4) Any individual who applies at the local level for an education position shall state on such individuals application whether or not such individual has applied at the national level for an education position in the Bureau. If such individual is employed at the local level, such individuals name shall immediately be forwarded to the Secretary, who shall, as soon as possible but in no event in more than 30 days, ascertain the accuracy of the statement made by such individual pursuant to the first sentence of this paragraph. If the individuals statement is found to have been false, such individual, at the Secretarys discretion, may be disciplined or discharged. If the individual had applied at the national level for an education position in the Bureau, the appointment of such individual at the local level shall be conditional for a period of 90 days, during which period the Secretary may appoint a more qualified individual (as determined by the Secretary) from the list maintained at the national level pursuant to subsection (c)(1)(A)(ii) to the position to which such individual was appointed.

"(5) Except as expressly provided, nothing in this section shall be construed as conferring upon local school boards, authority over, or control of, educators.

"(e)(1) In prescribing regulations to govern the discharge and conditions of employment of educators, the Secretary shall require

"(A) that procedures be established for the rapid and equitable resolution of grievances of educators;

"(B) that no educator may be discharged without notice of the reasons therefore and opportunity for a hearing under procedures that comport with the requirements of due process; and

"(C) educators employed in Bureau schools shall be notified 60 days prior to the end of the school year whether their employment contract will be renewed for the following year.

"(2) The supervisor of a Bureau school may discharge (subject to procedures established under paragraph (1)(B) for cause (as determined under regulations prescribed by the Secretary) any educator employed in such school. Upon giving notice of proposed discharge to an educator, the supervisor involved shall immediately notify the local school board for the school of such action. A determination by the local school board that such educator shall not be discharged shall be followed by the supervisor. The supervisor shall have the right to appeal such action to the education line officer of the appropriate agency office of the Bureau. Upon such an appeal, the agency education line officer may, for good cause and in writing to the local school board, overturn the determination of the local school board with respect to the employment of such individual.

"(3) Each local school board for a Bureau school shall have the right

"(A) to recommend to the supervisor of such school that an educator employed in the school be discharged; and

"(B) to recommend to the education line officer of the appropriate agency office of the Bureau and to the Director of the Office, that the supervisor of the school be discharged.

"(f)(1) Notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any personnel action within the purview of this section respecting an applicant or employee not entitled to Indian preference if each tribal organization concerned grants, in writing, a waiver of the application of such laws with respect to such personnel action, if such a waiver is in writing deemed to be a necessity by the tribal organization, except that this paragraph shall in no way relieve the Bureau of the Bureaus responsibility to issue timely and adequate announcements and advertisements concerning any such personnel action if such action is intended to fill a vacancy (no matter how such vacancy is created).

"(2) For purposes of this subsection, the term ribal organization means

"(A) the recognized governing body of any Indian tribe, band, nation, pueblo, or other organized community, including a Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c); 85 Stat. 688)); or

"(B) in connection with any personnel action referred to in this subsection, any local school board as defined in section 1146, and which has been delegated by such governing body the authority to grant a waiver under such subsection with respect to such personnel action.

"(3) The term ndian preference laws means section 12 of the Act of June 18, 1934 (25 U.S.C. 472; 48 Stat. 986) or any other provision of law granting a preference to Indians in promotions and other personnel actions, except that such term shall not be considered to include section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)).

"(g) Subject to the authority of the Office of Personnel Management to determine finally the applicability of chapter 51 of title 5, United States Code, to specific positions and employees in the executive branch, the Secretary shall determine in accordance with subsection (a)(1) the applicability or inapplicability of such chapter to positions and employees in the Bureau.

"(h)(1)(A) Except as otherwise provided in this section, the Secretary shall fix the basic compensation or annual salary rate for educators and education positions at rates comparable to the rates in effect under the General Schedule for individuals with comparable qualifications, and holding comparable positions, to whom chapter 51 of title 5, United States Code, is applicable or on the basis of the Federal Wage System schedule in effect for the locality.

"(B) By not later than October 28, 1988, the Secretary shall establish, for contracts for the 1991-1992 academic year, and thereafter, the rates of basic compensation, or annual salary rates, for the positions of teachers and counselors (including dormitory counselors and home-living counselors) at the rates of basic compensation applicable (on the date of enactment of such Amendments and thereafter) to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act, unless the Secretary establishes such rates within such 6-month period through collective bargaining with the appropriate union representative of the education employees that is recognized by the Bureau.

"(C) By not later than October 28, 1988, the Secretary shall establish the rates of basic compensation or annual salary rates for the positions of teachers and counselors (including dormitory and home-living counselors)

"(i) for contracts for the 1989-1990 academic year, at rates which reflect 1/3 of the changes in the rates applicable to such positions on April 28, 1988, that must be made to conform the rates to the rates established under subparagraph (B) for such positions for contracts for the 1991-1992 academic year, and

"(ii) for contracts for the 1990-1991 academic year, at rates which reflect 2/3 of such changes.

"(D) The establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not preclude the use of regulations and procedures used by the Bureau before the enactment of the Indian Education Amendments of 1988 in making determinations regarding promotions and advancements through levels of pay that are based on the merit, education, experience, or tenure of the educator.

"(E)(i) Except as provided in clause (ii), the establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not affect the continued employment or compensation of an educator who was employed in an education position on October 31, 1979, and who did not make the election under paragraph (2) of subsection (o).

"(ii) Any individual described in clause (i) may, during the 5-year period beginning on the date on which the Secretary establishes rates of basic compensation and annual salary rates under subparagraph (B), make an irrevocable election to have the basic compensation rate or annual salary rate of such individual determined in accordance with this paragraph.

"(iii) If an individual makes the election described in clause (ii), such election shall not affect the application to the individual of the same retirement system and leave system that applies to the individual during the fiscal year preceding the fiscal year in which such election is made, except that the individual must use leave accrued during a contract period by the end of that contract period.

"(F) The President shall include with the budget submitted under section 1105 of title 31, United States Code, for each of the fiscal years 1990, 1991, and 1992 a written statement by the Secretary which specifies

"(i) the amount of funds the Secretary needs to pay basic compensation and the annual salaries of educators for such fiscal year, and

"(ii) the amount of funds the Secretary estimates would be needed to pay basic compensation and the annual salaries of educators for such fiscal year if the amendments made to this paragraph by the Indian Education Amendments of 1988 had not been enacted.

"(2) Each educator employed in an education position in Alaska shall be paid a cost-of-living allowance equal to 25 percent of the rate of basic compensation to which such educator is entitled.

"(3)(A) The Secretary may pay a postdifferential not to exceed 25 percent of the rate of basic compensation, on the basis of conditions of environment or work which warrant additional pay as a recruitment and retention incentive.

"(B)(i) Upon the request of the supervisor and the local school board of a Bureau school, the Secretary shall grant the supervisor of the school authorization to provide 1 or more post differentials under subparagraph (A) unless the Secretary determines for clear and convincing reasons (and advises the board in writing of those reasons) that certain of the requested post differentials should be disapproved or decreased because there is no disparity of compensation for the involved employees or positions in the Bureau school, as compared with the nearest public school, that is either

"(I) at least 5 percent, or

"(II) less than 5 percent and affects the recruitment or retention of employees at the school.

"(ii) The request under clause (i) shall be deemed granted as requested at the end of the 60th day after the request is received in the Central Office of the Bureau unless before that time the request is approved, approved with modification, or disapproved by the Secretary.

"(iii) The Secretary or the supervisor of a Bureau school may discontinue or decrease a post differential authorized by reason of this subparagraph at the beginning of a school year after either

"(I) the local school board requests that such differential be discontinued or decreased, or

"(II) the Secretary or the supervisor determines for clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.

"(iv) On or before February 1 of each year, the Secretary shall submit to Congress a report describing the requests and grants of authority under this subparagraph during the previous fiscal year and listing the positions contracted under those grants of authority.

"(i) Any individual

"(1) who on the date of enactment of this Act is holding a position which is determined under subsection (f) to be an education position and who elects under subsection (o)(2) to be covered under the provisions of this section, or

"(2) who is an employee of the Federal Government or the municipal government of the District of Columbia and is transferred, promoted, or reappointed, without break in service, from a position under a different leave system to an education position,

shall be credited for the purpose of the leave system provided under regulations prescribed pursuant to subsection (b)(10), with the annual and sick leave to such individuals credit immediately before the effective date of such election, transfer, promotion, or reappointment.

"(j) Upon termination of employment with the Bureau, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with sections 5551(a) and 6306 of title 5, United States Code, except that leave earned or accrued under regulations prescribed pursuant to subsection (b)(10) shall not be so liquidated.

"(k) In the case of any educator who is transferred, promoted, or reappointed, without break in service, to a position in the Federal Government under a different leave system, any remaining leave to the credit of such person earned or credited under the regulations prescribed pursuant to subsection (b)(10) shall be transferred to such persons credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Office of Personnel Management.

"(l) An educator who voluntarily terminates employment with the Bureau before the expiration of the existing employment contract between such educator and the Bureau shall not be eligible to be employed in another education position in the Bureau during the remainder of the term of such contract.

"(m) In the case of any educator employed in an education position described in subsection (n)(1)(A) who

"(1) is employed at the close of a school year,

"(2) agrees in writing to serve in such a position for the next school year, and

"(3) is employed in another position during the recess period immediately preceding such next school year, or during such recess period receives additional compensation referred to in section 5533 of title 5, United States Code, relating to dual compensation, shall not apply to such educator by reason of any such employment during a recess period for any such receipt of additional compensation.

"(n) For the purpose of this section

"(1) The term ducation position means a position in the Bureau the duties and responsibilities of which

"(A) are performed on a school-year basis principally in a Bureau school and involve

"(i) classroom or other instruction or the supervision or direction of classroom or other instruction;

"(ii) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelors degree in education from an accredited institution of higher education;

"(iii) any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity; or

"(iv) support services at, or associated with, the site of the school; or

"(B) are performed at the agency level of the Bureau and involve the implementation of education-related programs other than the position for agency superintendent for education.

"(2) The term ducator means an individual whose services are required, or who is employed, in an education position.

"(o)(1) Subsections (a) through (n) of this section apply to an educator hired after November 1, 1979 (and to an educator who elected application under paragraph (2)) and to the position in which such individual is employed. Subject to paragraph (2), the enactment of this Act shall not affect the continued employment of an individual employed on October 31, 1979 in an education position, or such individuals right to receive the compensation attached to such position.

"(2) Any individual employed in an education position on October 31, 1979, may, not later than November 1, 1983, make an irrevocable election to be covered under the provisions of subsection (a) through (n) of this section.

"(p)(1) An educator who was employed in an education position on October 31, 1979, who was eligible to make an election under paragraph (2) of subsection (o) at that time, and who did not make the election under paragraph (2) of subsection (o), may not be placed on furlough (within the meaning of section 7511(a)(5) of title 5, United States Code) without the consent of such educator for an aggregate of more than 4 weeks within the same calendar year, unless

"(A) the supervisor, with the approval of the local school board (or of the education line officer upon appeal under paragraph (2)), of the Bureau school at which such educator provides services determines that a longer period of furlough is necessary due to an insufficient amount of funds available for personnel compensation at such school, as determined under the financial plan process as determined under section 1130(b) of this Act, and

"(B) all educators (other than principals and clerical employees) providing services at such Bureau school are placed on furloughs of equal length, except that the supervisor, with the approval of the local school board (or of the agency education line officer upon appeal under paragraph (2)), may continue 1 or more educators in pay status if

"(i) such educators are needed to operate summer programs, attend summer training sessions, or participate in special activities including curriculum development committees; and

"(ii) such educators are selected based upon such educators qualifications, after public notice of the minimum qualifications reasonably necessary and without discrimination as to supervisory, nonsupervisory, or other status of the educators who apply.

"(2) The supervisor of a Bureau school may appeal to the appropriate agency education line officer any refusal by the local school board to approve any determination of the supervisor that is described in paragraph (1)(A) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be approved. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the education line officer may, for good cause, approve the determination of the supervisor. The educational line officer shall transmit the determination of such appeal in the form of a written opinion to such local school board and to the supervisor identifying the reasons for approving such determination.

"SEC. 1133. MANAGEMENT INFORMATION SYSTEM.

"The Secretary shall establish within the Office, within 1 year after the date of the enactment of the Indian Education Amendments of 1984, a computerized management information system, which shall provide information to the Office. Such information shall include

"(1) student enrollment;

"(2) curriculum;

"(3) staff;

"(4) facilities;

"(5) community demographics;

"(6) student assessment information; and

"(7) information on the administrative and program costs attributable to each Bureau program, divided into discreet elements.

"SEC. 1134. BUREAU EDUCATION POLICIES.

"Within 180 days of the date of enactment of this Act, the Secretary shall develop, publish in the Federal Register, and submit to all agency and area offices of the Bureau, all tribal governments, and the appropriate committees of the Congress, a draft set of education policies, procedures, and practices for education-related action of the Bureau. The Secretary shall, within 1 year of the date of enactment of this Act, provide that such uniform policies, procedures, and practices shall be finalized and promulgated. Thereafter, such policies, procedures, and practices and their periodic revisions, shall serve as the foundation for future Bureau actions in education.

"SEC. 1135. UNIFORM EDUCATION PROCEDURES AND PRACTICES.

"The Secretary shall cause the various divisions of the Bureau to formulate uniform procedures and practices with respect to such concerns of those divisions as relate to education, and shall report such practices and procedures to the Congress.

"SEC. 1136. RECRUITMENT OF INDIAN EDUCATORS.

"The Secretary shall institute a policy for the recruitment of qualified Indian educators and a detailed plan to promote employees from within the Bureau. Such plan shall include opportunities for acquiring work experience prior to actual work assignment.

"SEC. 1137. ANNUAL REPORT.

"(a) The Secretary shall submit to each appropriate committee of the Congress a detailed annual report on the state of education within the Bureau and any problems encountered in the field of education during the year. Such report shall contain suggestions for improving the Bureau educational system and increasing local Indian control of such system. Such report shall also include the current status of tribally controlled community colleges. The annual budget submission for the Bureaus education programs shall, among other things, include

"(1) information on the funds provided previously private schools under section 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458d) and recommendations with respect to the future use of such funds;

"(2) the needs and costs of operation and maintenance of tribally controlled community colleges eligible for assistance under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.) and recommendations with respect to meeting such needs and costs; and

"(3) the plans required by section 1121(g) and 1122(c), and 1125(b), of this Act.

"(b) The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits are conducted of each Bureau school at least once in every three years. Audits of Bureau schools shall be based upon the extent to which such school has complied with its local financial plan under section 1129.

"SEC. 1138. RIGHTS OF INDIAN STUDENTS.

"Within six months of the date of enactment of this Act, the Secretary shall prescribe such rules and regulations as are necessary to ensure the constitutional and civil rights of Indian students attending Bureau schools, including such students right to privacy under the laws of the United States, such students right to freedom of religion and expression and such students right to due process in connection with disciplinary actions, suspensions, and expulsions.

"SEC. 1139. REGULATIONS.

"Regulations required to be adopted under sections 1126 through 1138 and any revisions of the standards developed under section 1121 or 1122 shall be deemed rules of general applicability prescribed for the administration of an applicable program for the purposes of section 437 of the General Education Provisions Act and shall be promulgated, submitted for congressional review, and take effect in accordance with the provisions of such section. Such regulations shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.

"SEC. 1140. VOLUNTARY SERVICES.

"Notwithstanding section 1342 of title 31, United States Code, the Secretary may, subject to the approval of the local school board concerned, accept voluntary services on behalf of Bureau schools. Nothing in this title shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees. An individual providing volunteer services under this section is a Federal employee only for purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

"SEC. 1141. PRORATION OF PAY.

"(a) Notwithstanding any other provision of law, including laws relating to dual compensation, the Secretary, at the election of the employee, shall prorate the salary of an employee employed in an education position for the academic school year over the entire 12-month period. Each educator employed for the academic school year shall annually elect to be paid on a 12-month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits, including benefits under unemployment or other Federal or federally assisted programs, because of such election.

"(b) During the course of such year the employee may change election once.

"(c) That portion of the employees pay which would be paid between academic school years may be paid in lump sum at the election of the employee.

"(d) For the purposes of this section the terms ducator and ducation position have the meaning contained in paragraphs (1) and (2) of section 1132(n). This section applies to those individuals employed under the provisions of section 1132 of this title or title 5, United States Code.

"SEC. 1142. EXTRACURRICULAR ACTIVITIES.

"(a) Notwithstanding any other provision of law, the Secretary may provide, for each Bureau area, a stipend in lieu of overtime premium pay or compensatory time off. Any employee of the Bureau who performs additional activities to provide services to students or otherwise support the schools academic and social programs may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employees base pay.

"(b) If an employee elects not to be compensated through the stipend established by this section, the appropriate provisions of title 5, United States Code, shall apply.

"(c) This section applies to all Bureau employees, whether employed under section 1132 of this title or title 5, United States Code.

"SEC. 1143. EARLY CHILDHOOD DEVELOPMENT PROGRAM.

"(a) The Secretary shall provide grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia.

"(b)(1) The total amount of the grants provided under subsection (a) with respect to each tribe, tribal organization, or consortium of tribes or tribal organizations for each fiscal year shall be equal to the amount which bears the same relationship to the total amount appropriated under the authority of subsection (f) for such fiscal year (less amounts provided under subsection (e)) as

"(A) the total number of children under 6 years of age who are members of

"(i) such tribe,

"(ii) the tribe that authorized such tribal organization, or

"(iii) any tribe that

"(I) is a member of such consortium, or

"(II) authorizes any tribal organization that is a member of such consortium, bears to

"(B) the total number of all children under 6 years of age who are members of any tribe that

"(i) is eligible to receive funds under subsection (a),

"(ii) is a member of a consortium that is eligible to receive such funds, or

"(iii) authorizes a tribal organization that is eligible to receive such funds.

"(2) No grant may be provided under subsection (a)

"(A) to any tribe that has less than 500 members,

"(B) to any tribal organization which is authorized

"(i) by only 1 tribe that has less than 500 members, or

"(ii) by 1 or more tribes that have a combined total membership of less than 500 members, or

"(C) to any consortium composed of tribes, or tribal organizations authorized by tribes, that have a combined total tribal membership of less than 500 members.

"(c)(1) A grant may be provided under subsection (a) to a tribe, tribal organization, or consortia of tribes and tribal organizations only if the tribe, organization or consortia submits to the Secretary an application for the grant at such time and in such form as the Secretary shall prescribe.

"(2) Applications submitted under paragraph (1) shall set forth the early childhood development program that the applicant desires to operate.

"(d) The early childhood development programs that are funded by grants provided under subsection (a)

"(1) shall coordinate existing programs and may provide services that meet identified needs of parents and children under 6 years of age which are not being met by existing programs, including

"(A) prenatal care,

"(B) nutrition education,

"(C) health education and screening,

"(D) educational testing, and

"(E) other educational services,

"(2) may include instruction in the language, art, and culture of the tribe, and

"(3) shall provide for periodic assessment of the program.

"(e) The Secretary shall, out of funds appropriated under the authority of subsection (f), include in the grants provided under subsection (a) amounts for administrative costs incurred by the tribe or tribal organization in establishing and maintaining the early childhood development program.

"(f) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $10,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"SEC. 1144. TRIBAL DEPARTMENTS OF EDUCATION.

"(a) Subject to the availability of appropriations, the Secretary shall provide grants and technical assistance to tribes for the development and operation of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe.

"(b) Grants provided under this section shall

"(1) be based on applications from the governing body of the tribe,

"(2) reflect factors such as geographic and population diversity,

"(3) facilitate tribal control in all matters relating to the education of Indian children on Indian reservations and on former Indian reservations in Oklahoma,

"(4) provide for the development of coordinated educational programs on Indian reservations (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) by encouraging tribal administrative support of all Bureau funded educational programs as well as encouraging tribal cooperation and coordination with all educational programs receiving financial support from State agencies, other Federal agencies, or private entities,

"(5) provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs, and

"(6) otherwise comply with regulations for grants under section 103(a) of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450h) that are in effect on the date application for such grants are made.

"(c)(1) In approving and funding applications for grants under this section, the Secretary shall give priority to any application that

"(A) includes assurances from the majority of Bureau funded schools located within the boundaries of the reservation of the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools, including the submission to each applicable agency of a unified application for funding for all of such schools which provides that

"(i) no administrative costs other than those attributable to the individual programs of such schools will be associated with the unified application, and

"(ii) the distribution of all funds received under the unified application will be equal to the amount of funds provided by the applicable agency to which each of such schools is entitled under law,

"(B) includes assurances from the tribal governing body that the tribal department of education funded under this section will administer all contracts or grants (except those covered by the other provisions of this title and the Tribally Controlled Community College Assistance Act of 1978) for education programs administered by the tribe and will coordinate all of the programs to the greatest extent possible,

"(C) includes assurances for the monitoring and auditing by or through the tribal department of education of all education programs for which funds are provided by contract or grant to ensure that the programs meet the requirements of law, and

"(D) provides a plan and schedule for

"(i) the assumption over the term of the grant by the tribal department of education of all assets and functions of the Bureau agency office associated with the tribe, insofar as those responsibilities relate to education, and

"(ii) the termination by the Bureau of such operations and office at the time of such assumption,

except that when mutually agreeable between the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

"(2) Subject to the availability of appropriated funds, grants provided under this section shall be provided for a period of 3 years and the grant may, if performance by the grantee is satisfactory to the Secretary, be renewed for additional 3-year terms.

"(d) The Secretary shall not impose any terms, conditions, or requirements on the provision of grants under this section that are not specified in this section.

"(e) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"SEC. 1145. PAYMENTS.

"(a)(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments

"(A) one payment to be made not later than July 15 of each year in an amount equal to one-half of the amount which the grantee was entitled to receive during the preceding academic year, and

"(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made not later than December 1 of each year.

"(2) For any school for which no payment was made from Bureau funds in the preceding academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made not later than December 1 of the academic year.

"(3) With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which such funds are appropriated, the Secretary shall make payments to grantees not later than December 1 of the fiscal year.

"(4) The provisions of chapter 39 of title 31, United States Code, shall apply to the payments required to be made by paragraphs (1), (2), and (3) of this subsection.

"SEC. 1146. DEFINITIONS.

"For the purpose of this part, unless otherwise specified

"(1) the term gency school board means a body, the members of which are appointed by the school boards of the schools located within such agency, and the number of such members shall be determined by the Secretary in consultation with the affected tribes, except that, in agencies serving a single school, the school board of such school shall fulfill these duties;

"(2) the term ureau means the Bureau of Indian Affairs of the Department of the Interior;

"(3) the term ureau funded school means

"(A) a Bureau school;

"(B) a contract school; or

"(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988;

"(4) the term bureau school means a Bureau operated elementary or secondary day or boarding school or a Bureau operated dormitory for students attending a school other than a Bureau school;

"(5) the term contract or grant school means an elementary or secondary school or a dormitory which receives financial assistance for its operation under a contract, grant, or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d) or under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504);

"(6) the term education line officer means education personnel under the supervision of the Director, whether located in central, area, or agency offices;

"(7) the term financial plan means a plan of services to be provided by each Bureau school;

"(8) the term Indian organization means any group, association, partnership, corporation, or other legal entity owned or controlled by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized Indian tribes;

"(9) the term local educational agency means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State, and includes any State agency which directly operates and maintains facilities for providing free public education;

"(10) the term local school board, when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that in schools serving a substantial number of students from different tribes, the members shall be appointed by the governing bodies of the tribes affected, and the number of such members shall be determined by the Secretary in consultation with the affected tribes;

"(11) the term office means the Office of Indian Education Programs within the Bureau;

"(12) the term secretary means the Secretary of the Interior;

"(13) the term supervisor means the individual in the position of ultimate authority at a Bureau school; and

"(14) the term tribe means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1801 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".

SEC. 382. TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.

(a) New Construction. The second sentence of paragraph (4) of section 5205(b) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)(4)) is amended by striking "were received." and inserting "were received, except that a school receiving a grant under this part for facilities improvement and repair may use such grant funds for new construction if the tribal government or other organization provides funding for the new construction equal to at least one-fourth of the total cost of such new construction.".

(b) Composition of Grants. Subsection (b) of section 5205 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)) is further amended by adding at the end the following new paragraph:

"(5) If the Secretary fails to make a determination within 180 days of a request filed by an Indian tribe or tribal organization to include in such tribe or organizations grant the funds described in subsection (a)(2), the Secretary shall be deemed to have approved such request and the Secretary shall immediately amend the grant accordingly. Such tribe or organization may enforce its rights under subsection (a)(2) and this paragraph, including any denial of or failure to act on such tribe or organizations request, pursuant to the disputes authority described in section 5209(e).".

(c) Payments. Subsection (a) of section 5208 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507(a)) is amended to read as follows:

"(a) Payments.

"(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments, of which

"(A) the first payment shall be made not later than July 15 of each year in an amount equal to one-half of the amount which the grantee was entitled to receive during the preceding academic year; and

"(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made not later than December 1 of each year.

"(2) For any school for which no payment under this part was made from Bureau funds in the preceding academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made not later than December 1 of the academic year.

"(3) With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which such funds are appropriated, the Secretary shall make payments to grantees not later than December 1 of the fiscal year.

"(4) The provisions of chapter 39 of title 31, United States Code, shall apply to the payments required to be made by paragraphs (1), (2), and (3).

"(5) Paragraphs (1), (2), and (3) shall be subject to any restriction on amounts of payments under this part that are imposed by a continuing resolution or other Act appropriating the funds involved.".

(d) Applicability. Subsection (a) of section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508(a)) is amended to read as follows:

"(a) Certain Provisions To Apply to Grants. All provisions of section 5, 6, 7, 104, 105(f), 106(f), 109, and 111 of the Indian Self-Determination and Education Assistance Act, except those provisions relating to indirect costs and length of contract, shall apply to grants provided under this part.

(e) Exceptions, Problems, and Disputes. Subsection (e) of section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508(e)) is amended

(1) by striking "the amount of a grant under section 5205 (and the amount of any funds referred to in that section), and payments to be made under section 5208 of this Act," and inserting "a grant authorized to be made pursuant to this part or any amendment to such grant,";

(2) by striking "the amount of, or payment of, the administrative grant" and inserting "an administrative cost grant"; and

(3) by adding at the end the following new sentence: "The Equal Access to Justice Act shall apply to administrative appeals filed after September 8, 1988, by grantees regarding a grant under this part, including an administrative cost grant.".

SEC. 383. ENDOWMENT FUNDS.

Section 302 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1832) is amended

(1) in subsection (a), by striking "section 333" and inserting in lieu thereof "section 331"; and

(2) in subsection (b)

(A) by amending paragraph (1) to read as follows:

"(1) provides for the investment and maintenance of a trust fund, the corpus and earnings of which shall be invested in the same manner as funds are invested under paragraph (2) of section 331(c) of the Higher Education Act of 1965, except that for purposes of this paragraph, the term rust fund means a fund established by an institution of higher education or by a foundation that is exempt from taxation and is maintained for the purpose of generating income for the support of the institution, and may include real estate;"; and

(B) in paragraph (3) by striking "same" the first time such term appears.

SEC. 384. GOALS 2000: EDUCATE AMERICA ACT.

(a) Section 315 of the Goals 2000: Educate America Act (20 U.S.C. 5895) is amended

(1) by amending subsection (c) to read as follows:

"(c) Bureau of Indian Affairs Cost Analysis and Studies.

"(1) In general. The Secretary of the Interior shall reserve from the funds received pursuant to section 304(a)(1)(B) in the first and second fiscal year for which the Secretary of the Interior receives such funds an amount not to exceed $500,000 for each such year to provide, through a contract executed, after open solicitation, with an organization or institution having extensive experience in school finance, for an analysis of

"(A) the costs associated with meeting the academic, home-living, and residential standards of the Bureau for each Bureau funded school and annual projections of such costs; and

"(B) the feasibility and desirability of changing the method of financing for Bureau funded schools from the weighted student unit formula method in effect on the date of enactment of this Act to a school-based budget system or other alternative system of financial support.

"(2) Cost analysis purpose. The purpose of the cost analysis provided for in paragraph (1)(A) shall be to provide the Bureau and the panel described in subsection (b)(4) with baseline data regarding the current state of operations funded by the Bureau and to provide a framework for the implementation of opportunity-to-learn standards or strategies. Such analysis shall evaluate the costs of providing a program in each school operated or supported by the Bureau for the next succeeding academic year and shall be based on

"(A) the standards either published in the Federal Register and effective for schools funded by the Bureau on the date of enactment of the Improving Americas Schools Act of 1994, or the State or regional standards in effect on such date for a Bureau funded school;

"(B) the best projections of student counts and demographics as provided by the Bureau and as independently reviewed by the organization or institution selected by the Secretary to perform the analysis described in this section; and

"(C) the pay and benefit schedules and other personnel requirements for each school operated by the Bureau, as such pay and benefit schedules and requirements existed on the date of enactment of the Improving Americas Schools Act of 1994.

"(3) Feasibility study purpose. (A) The purpose of the feasibility analysis provided for in paragraph (1)(B) shall be to determine whether it is feasible and desirable for the Bureau to replace or modify the weighted student unit formula system in effect on the date of enactment of this Act.

"(B) For the purposes of the feasibility analysis described in paragraph (1)(B), the term chool-based budget system means a system based upon an initial determination, at each school site, of the number of students who shall be served at the site, the needs of those students, the standards which will best meet those needs (including any standards or conditions reflecting local community input and such communitys program), the personnel profile necessary to establish such program and the cost (determined on an actual basis) of funding such a program. Such a system shall include procedures to aggregate the determinations for each school site to determine the amount needed to fund all Bureau funded schools, to prepare a budget submission based upon such aggregate, and to provide for a mechanism for distributing such sums as may be appropriated based upon the determination at each school site.

"(4) Results report. The contractor selected shall be required to report the results of analyses provided for in this section, in aggregate and school-specific form to the chairpersons and ranking minority members of the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives and the Committee on the Indian Affairs and the Committee on Appropriations of the Senate, and to the Secretary of the Interior, not later than six months after the date of enactment of the Improving Americas Schools Act of 1994. The contractor shall also be required to provide an estimate of the costs of meeting the academic and residential standards of the Bureau for each Bureau funded school for each of the three succeeding forward-funded fiscal years following the date of submission of such report. The contractor shall provide an estimate of such costs to such persons and members not later than January 1 of each succeeding fiscal year."; and

(2) by adding at the end the following new subsections:

"(e) Grants. The Secretary of the Interior may use not more than one percent of the funds received pursuant to section 304(a)(1)(B) in the first and second fiscal year for which the Secretary of the Interior receives such funds for the purpose of providing grants, if requested by Bureau funded school boards, to enable such school boards to carry out activities of reform planning as such activities are described for States in section 308(b)(2)(J), including the feasibility of becoming a contract school pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or a grant school pursuant to section 5204 of the Tribally Controlled Schools Act of 1988.

"(f) Study. In cooperation with the panel established in subsection (b)(4), the Secretary of the Interior shall conduct a study to evaluate the feasibility of contracting with a private management firm for the operation of one or more Bureau operated schools to facilitate the achievement of the National Education Goals and the efficient use of funds in the education of Indian children, and to report to the persons identified in subsection (c)(4) and to the panel described in subsection (b)(4) not later than 12 months after the date of enactment of the Improving Americas Schools Act of 1994.".

SEC. 386. AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

(a) Staff of the Institute. Subsection (f) of section 1509 of the Higher Education Amendments of 1986 (20 U.S.C. 4416(f)) is amended to read as follows:

"(f) Applicability.

"(1) This section shall apply to any individual appointed after October 17, 1986, for employment in the Institute. Except as provided in subsection (d) and (g), the enactment of this title shall not affect

"(A) the continued employment of any individual employed before October 17, 1986; or

"(B) such individuals right to receive the compensation attached to such position.

"(2) This section shall not apply to an individual whose services are procured by the Institute pursuant to a written procurement contract.

"(3) This section shall not apply to employees of an entity performing services pursuant to a written contract with the Institute.".

(b) Endowment Program. Section 1518 of the Higher Education Amendments of 1986 (20 U.S.C. 4425) is amended

(1) in subsection (b), by adding at the end the following new paragraph:

"(6) For the purpose of complying with the contribution requirement in this subsection, the Institute may use funds or in-kind contributions of real or personal property. For the purposes of this paragraph, all contributions, in-kind and real estate, which are held by the Institute beginning on November 29, 1990, and which were received after June 2, 1988, but which have not been included in their entirety in computations under this section shall be eligible for matching Federal funds appropriated in any year."; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

"(1) Funds in the trust funds described in subsections (a) and (b) shall be invested under the same conditions and limitations as funds are invested under section 331(c)(2) of the Higher Education Act of 1965 and the regulations implementing such section (as such regulations were in effect at the time the funds are invested).".

PART I CROSS REFERENCES AND CONFORMING AMENDMENTS

SEC. 391. CROSS REFERENCES.

(a) Refugee Education Assistance Act of 1980. (1) Paragraph (1) of section 101 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "section 198(a)" and inserting "section 14101".

(2) Paragraph (2) of section 201(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "(other than section 303 of the Elementary and Secondary Education Act of 1965)".

(3) Paragraph (3) of section 301(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking ", except that no reduction under this paragraph shall be made for any funds made available to the State under section 303 of the Elementary and Secondary Education Act of 1965".

(4) Paragraph (2) of section 401(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "(other than section 303 of the Elementary and Secondary Education Act of 1965)".

(b) Title 10. (1) Subparagraph (A) of section 1151(b)(2) of title 10, United States Code, is amended by striking "chapter 1 of".

(2) Subparagraph (A) of section 1151(b)(3) of title 10, United States Code, is amended by striking "chapter 1 of".

(3) Subparagraph (A) of section 1598(a)(2) of title 10, United States Code, is amended by striking "chapter 1 of".

(4) Section 2194 of title 10, United States Code, is amended

(A) in subsection (a), by striking "education agencies" and inserting "educational agency"; and

(B) in subsection (e)

(i) by striking "education agency" and inserting "educational agency";

(ii) by striking "section 1471(12)" and inserting "section 14101"; and

(iii) by striking "(20 U.S.C. 1058(b)".

(5) Subparagraph (A) of section 2410j(a)(2) of title 10, United States Code, is amended by striking "chapter 1 of".

(c) Toxic Substances Control Act. (1) Subparagraph (A) of section 202(7) of the Toxic Substances Control Act (15 U.S.C. 2642(7)(A)) is amended

(A) by striking "section 198" and inserting "section 14101"; and

(B) by striking "(20 U.S.C. 3381)".

(2) Paragraph (9) of section 202 of the Toxic Substances Control Act (15 U.S.C. 2642(9)) is amended

(A) by striking "section 198" and inserting "section 14101"; and

(B) by striking "(20 U.S.C. 2854)".

(3) Paragraph (12) of section 202 of the Toxic Substances Control Act (15 U.S.C. 2642(12)) is amended

(A) by striking "section 198" and inserting "section 14101"; and

(B) by striking "(20 U.S.C. 2854)".

(4) Section 302(1) of the Toxic Substances Control Act (15 U.S.C. 2662(1)(A)) is amended

(A) in subparagraph (A)

(i) by striking "section 198" and inserting "section 14101"; and

(ii) by striking "(20 U.S.C. 3381)"; and

(B) in subparagraph (C), by inserting "or successor authority" after "1107)".

(d) National Defense Authorization Act for Fiscal Year 1993. Paragraph (1) of section 386(h) of the National Defense Authorization Act for Fiscal Year 1993 (20 U.S.C. 238 note) is amended

(1) by striking "section 1471(12)" and inserting "section 14101"; and

(2) by striking "(20 U.S.C. 2891(12))".

(e) Higher Education Act of 1965. (1) Clause (ii) of section 418A(b)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1070d-2(b)(1)(B)(ii)) is amended by striking "subpart 1 of part D of chapter 1" and inserting "part C".

(2) Subparagraph (A) of section 418A(c)(1) of the Higher Education Act of 1965 (20 U.S.C. 1070d-2(c)(1)(A)) is amended

(A) by striking "subpart 1 of part D of chapter 1" and inserting "part C"; and

(B) by inserting "(or such parts predecessor authority)" after "1965".

(3) Subparagraph (A) of section 465(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)(2)(A)) is amended by striking "chapter 1 of the Education Consolidation and Improvement Act of 1981" and inserting "title I of the Elementary and Secondary Education Act of 1965".

(4) Subsection (a) of section 469 of the Higher Education Act of 1965 (20 U.S.C. 1087ii(a)) is amended by striking "chapter 1 of".

(5) Subsection (b) of section 572 of the Higher Education Act of 1965 (20 U.S.C. 1111a(b)) is amended by striking "of chapter 1".

(6) Paragraph (1) of section 581(b) of the Higher Education Act of 1965 (20 U.S.C. 1113(b)(1)) is amended by striking "part A or subpart 1 of part D of chapter 1" and inserting "part A orC".

(7) Paragraph (3) of section 581(c) of the Higher Education Act of 1965 (20 U.S.C. 1113(c)(3)) is amended by striking "chapter 1 of".

(8) Subparagraph (C) of section 586(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1114(d)(1)(C)) is amended by striking "chapter 1 of".

(9) Subparagraph (D) of section 586(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1114(d)(1)(D)) is amended by striking "chapter 1 of".

(10) Subclause (I) of section 1144(b)(1)(B)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1138c(b)(1)(B)(iv)(I)) is amended by striking "chapter 1 of".

(f) Individuals With Disabilities Education Act. (1) Clause (ii) of section 602(a)(21)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(21)(A)(ii)) is amended by striking "chapter 1 of".

(2) Paragraph (2) of section 613(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(2)) is amended by striking ", including subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965,".

(3) Subparagraph (B) of section 622(c)(2) of the Individuals with Disabilities Education Act (20 U.S.C. 1422(c)(2)) is amended by striking "and subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965".

(g) Education Amendments of 1972. Subparagraph (B) of section 908(2) of the Education Amendments of 1972 (20 U.S.C. 1687(2)(B)) is amended by striking "section 198(a)(10)" and inserting "section 14101".

(h) Department of Education Organization Act. Section 204 of the Department of Education Organization Act (20 U.S.C. 3414) is amended by striking "subpart 1 of part B" and inserting "part C".

(i) Education and Training for a Competitive America Act of 1988. The Education and Training for a Competitive America Act of 1988 (20 U.S.C. 5001 et seq.) is repealed.

(j) Educational Partnerships Act of 1988. The Educational Partnerships Act of 1988 (20 U.S.C. 5031 et seq.) is repealed.

(k) Secondary Schools Basic Skills Demonstration Assistance Act of 1988. The Secondary Schools Basic Skills Demonstration Assistance Act of 1988 (20 U.S.C. 5061 et seq.) is repealed.

(l) Excellence in Mathematics, Science and Engineering Education Act of 1990. The Excellence in Mathematics, Science and Engineering Education Act of 1990 (20 U.S.C. 5311 et seq.) is repealed.

(m) National Environmental Education Act. Paragraph (5) of section 3 of the National Environmental Education Act (20 U.S.C. 5502(5)) is amended

(1) by striking "local education" and inserting "local educational"; and

(2) by striking "section 198" and inserting "section 14101".

(n) Job Training Partnership Act. (1) Paragraph (23) of section 4 of the Job Training Partnership Act (29 U.S.C. 1503(23)) is amended by striking "section 1471(23)" and inserting "section 14101".

(2) Subparagraph (B) of section 263(a)(2) of the Job Training Partnership Act (29 U.S.C. 1643(a)(2)(B)) is amended by striking "chapter 1 of".

(3) Subparagraph (B) of section 263(g)(1) of the Job Training Partnership Act (29 U.S.C. 1643(g)(1)(B)) is amended by striking "chapter 1 of".

(4) Paragraph (2) of section 265(b) of the Job Training Partnership Act (29 U.S.C. 1645(b)(2)) is amended by striking "parts A through D of chapter 1" and inserting "parts A through C".

(o) National Defense Authorization Act for Fiscal Year 1993. Paragraph (3) of section 1091(l) of the National Defense Authorization Act for Fiscal Year 1993 (32 U.S.C. 501 note) is amended by inserting "(as such section was in effect on the day preceding the date of enactment of this Act)" after "1965".

(p) Safe Drinking Water Act. Section 1461 of the Safe Drinking Water Act (42 U.S.C. 300j-21(6)) is amended

(1) in subparagraph (A) of paragraph (3)

(A) by striking "section 198" and inserting "section 14101"; and

(B) by striking "(20 U.S.C. 3381)"; and

(2) in paragraph (6)

(A) by striking "section 198" and inserting "section 14101"; and

(B) by striking "(20 U.S.C. 2854)".

(q) Civil Rights Act of 1964. Subparagraph (B) of section 606(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a(2)(B)) is amended by striking "section 198(a)(10)" and inserting "section 14101".

(r) Older Americans Act of 1965. (1) Section 338A of the Older Americans Act of 1965 (42 U.S.C. 3030g-12(a)(1)) is amended

(A) in paragraph (1) of subsection (a)

(i) by striking "section 1471" and inserting "section 14101"; and

(ii) by striking "(20 U.S.C. 2891)"; and

(B) in paragraph (3) of subsection (b)

(i) by striking "projects under section 1015" and inserting "programs under section 1114"; and

(ii) by striking (20 U.S.C. 2025)".

(2) Subparagraph (B) of section 363(5) of the Older Americans Act of 1965 (42 U.S.C. 3030o(5)(B)) is amended

(A) by striking "section 1471" and inserting "section 14101"; and

(B) by striking "(20 U.S.C. 2891)".

(s) Carl D. Perkins Vocational and Applied Technology Education Act. (1) Subsection (d) of section 111 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(d)) is amended by striking "chapter 1 of".

(2) Paragraph (14) of section 113(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2323(b)(14)) is amended by striking "chapter 1 of".

(3) Subsection (a) of section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2325(a)) is amended

(A) by striking "chapter 1 of"; and

(B) by inserting "of 1965" after "Secondary Education Act".

(4) Paragraph (1) of section 231(a) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2341(a)(1)) is amended by striking "section 1005" and inserting "section 1124 or such sections predecessor authority".

(5) Clause (iv) of section 231(d)(3)(A) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2341(d)(3)(A)(iv)) is amended by striking "chapter 1 of".

(6) Paragraph (3) of section 420(a) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2420(a)(3)) is amended by striking "section 1562" and inserting "part B of title XIII".

(7) Paragraph (20) of section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(20) is amended by striking "section 1471(5)" and inserting "section 14101".

(8) Paragraph (21) of section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(21)) is amended by striking "section 703(a)(1)" and inserting "section 7004(a)".

(t) Juvenile Justice and Delinquency Prevention Act of 1974. Paragraph (2) of section 288E(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e-5(a)(2)) is amended by striking "chapter 1 of".

(u) Age Discrimination Act of 1975. Clause (ii) of section 309(4)(B) of the Age Discrimination Act of 1975 (42 U.S.C. 6107(4)(B)(ii)) is amended by striking "section 198(a)(10)," and inserting "section 14101".

(v) Head Start Transitional Project Act. (1) Paragraph (4) of section 132 of the Head Start Transition Project Act (42 U.S.C. 9855(4)) is amended by striking "section 1471(12)" and inserting "section 14101".

(2) Subsection (a) of section 134 of the Head Start Transition Project Act (42 U.S.C. 9855b(a)) is amended by striking "of chapter 1".

(3) Subsection (b) of section 134 of the Head Start Transition Project Act (42 U.S.C. 9855b(b)) is amended by striking "of chapter 1".

(4) Subsection (d) of section 135 of the Head Start Transition Project Act (42 U.S.C. 9855c(d)) is amended by striking "schoolwide project under section 1015(a)" and inserting "schoolwide program under section 1114".

(5) Subparagraph (C) of section 136(a)(4) of the Head Start Transition Project Act (42 U.S.C. 9855d(a)(4)(C)) is amended

(A) by striking "the Follow Through Act, chapter 1 of"; and

(B) by striking ", part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (Even Start)".

(6) Paragraph (8) of section 136(a) of the Head Start Transition Project Act (42 U.S.C. 9855d(a)(8)) is amended by striking "part B of chapter 1" and inserting "part B".

(7) Paragraph (10) of section 136(a) of the Head Start Transition Project Act (42 U.S.C. 9855d(a)(10)) is amended by striking "part B of chapter 1" and inserting "part B".

(w) Follow Through Act. The Follow Through Act (42 U.S.C. 9861 et seq.) is repealed.

(x) Comprehensive Child Development Act. Paragraph (5) of section 670S of the Comprehensive Child Development Act (42 U.S.C. 9886(5)) is amended by striking "section 1471(12)" and inserting "section 14101".

(y) National and Community Service Act of 1990. Subparagraph (B) of section 112(b)(2) of the National and Community Service Act of 1990 (42 U.S.C. 12524(b)(2)(B)) is amended by striking "chapter 1 of".

(z) Training Technology Transfer Act of 1988. Paragraph (1) of section 6144 of the Training Technology Transfer Act of 1988 (20 U.S.C. 5124(1)) is amended by striking "section 405(d)(4)(A)(i) of the General Education Provisions Act (20 U.S.C. 1221e(d)(4)(A)(i))" and inserting "section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994".

SEC. 392. ADDITIONAL REPEALS AND TECHNICAL AND CONFORMING AMENDMENTS REGARDING IMPACT AID.

(a) Additional Repeals.

(1) Omnibus budget reconciliation act of 1981. Subsection (c) of section 505 of the Omnibus Budget Reconciliation Act of 1981 is repealed.

(2) Education amendments of 1984. Section 302 of the Education Amendments of 1984 is repealed.

(3) Department of education appropriations act, 1991. Section 306 of the Department of Education Appropriations Act, 1991, is repealed.

(4) National assessment of chapter 1 act. Paragraph (2) of section 3(a) of the 1992 National Assessment of Chapter 1 Act is repealed.

(5) Public law 92-277. Section 2 of Public Law 92-277 (86 Stat. 124) is repealed.

(b) Technical and Conforming Amendments.

(1) Elementary and secondary education amendments of 1966. Section 182 of the Elementary and Secondary Education Amendments of 1966 is amended by striking "by the Act of September 23, 1950 (Public Law 815, 81st Congress),".

(2) Toxic substances control act. Subparagraph (C) of section 302(1) of the Toxic Substances Control Act (15 U.S.C. 2662(1)(C)) is amended by inserting "as in effect before enactment of the Improving Americas Schools Act of 1994" after "section 6 of the Act of September 30, 1950 (64 Stat. 1107),".

SEC. 393. INDIAN EDUCATION.

(a) Adult Education Act. Paragraph (4) of section 322(a) of the Adult Education Act (20 U.S.C. 1203a(a)) is amended by striking "the Indian Education Act" and inserting "title IX of the Elementary and Secondary Education Act of 1965".

(b) Education Amendments of 1978. Paragraph (3) of section 1128(c) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(3)) is amended

(1) in clause (i) of subparagraph (A), by striking "(as determined pursuant to section 5324 of the Indian Education Act of 1988)"; and

(2) in subparagraph (B)

(A) by striking "the later of the following" and all that follows through "(ii)"; and

(B) by inserting ", and for each fiscal year thereafter" before the period at the end thereof.

(c) Indian Education Assistance Act. Section 209 of the Indian Education Assistance Act (25 U.S.C. 458e) is amended by striking "title IV of the Act of June 23, 1972 (86 Stat. 235)" and inserting "title IX of the Elementary and Secondary Education Act of 1965".

(d) Johnson-OMalley Act. Subsection (a) of section 5 of the Act of April 16, 1934, commonly known as the "Johnson-OMalley Act" (25 U.S.C. 456(a)) is amended by striking "section 305(b)(2)(B)(ii) of the Act of June 23, 1972 (86 Stat. 235)" and inserting "section 9104(c)(4) of the Elementary and Secondary Education Act of 1965".

SEC. 394. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) Adult Education Act. Paragraph (7) of section 342(c) of the Adult Education Act (20 U.S.C. 1206a(c)) is amended by striking "section 7004(a) of title VII" and inserting "section 7004(a)".

(b) Anti-Drug Abuse Act of 1988. Subparagraph (A) of section 3521(d)(8) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11841(d)(8)(A)) is amended by striking "the Drug-Free Schools and Communities Act of 1986" and inserting "title IV of the Elementary and Secondary Education Act of 1965".

(c) Asbestos School Hazard Abatement Act. Section 511 of the Asbestos School Hazard Abatement Act of 1984 (20 U.S.C. 4020) is amended

(1) in subparagraph (A) of paragraph (4), by striking "section 198(a)(10)" and inserting "section 14101"; and

(2) in subparagraph (A) of paragraph (5), by striking "section 198(a)(7)" and inserting "section 14101".

(d) Cranston-Gonzalez National Affordable Housing Act. Paragraph (10) of section 457 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899f(10)) is amended by striking "section 7003 of the Bilingual Education Act" and inserting "section 7004(a) of the Elementary and Secondary Education Act of 1965".

(e) Family and Medical Leave Act of 1993. Subparagraph (A) of section 108(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2618(a)(1)(A)) is amended by striking "section 1471(12)" and inserting "section 14101".

(f) Goals 2000: Education America Act. The Goals 2000: Educate America Act is amended

(1) in section 3

(A) in subsection (a)

(i) in paragraph (6), by striking "section 1471" and inserting "section 14101"; and

(ii) in paragraph (10), by striking "section 602" and inserting "section 602(a)(17)"; and

(B) in paragraph (1) of subsection (b), by striking "section 1471" and inserting "section 14101";

(2) in paragraph (7) of section 231, by striking "chapter 1 of";

(3) in subsection (b) of section 232

(A) in subparagraph (A) of paragraph (2), by striking "Star Schools Program Assistance Act" and inserting "Star Schools program authorized by part B of title III of the Elementary and Secondary Education Act of 1965"; and

(B) in subparagraph (F) of paragraph (3), by striking "the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act" and inserting "any evaluation of the Star School program undertaken by the Secretary";

(4) in subsection (b) of section 310, by striking "section 1017" and inserting "sections 1020 and 14503"; and

(5) in subsection (b) of section 311, by amending paragraphs (1) through (6) to read as follows:

"(1) Title I of the Elementary and Secondary Education Act of 1965.

"(2) Part A of title II of the Elementary and Secondary Education Act of 1965.

"(3) Part A of title V of the Elementary and Secondary Education Act of 1965.

"(4) Title VIII of the Elementary and Secondary Education Act of 1965.

"(5) Part B of title IX of the Elementary and Secondary Education Act of 1965.

"(6) The Carl D. Perkins Vocational and Applied Technology Education Act.".

(g) Immigration and Nationality Act. Subparagraph (D) of section 245A(h)(4) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(D)) is amended to read as follows:

"(D) Title I of the Elementary and Secondary Education Act of 1965.".

(h) National and Community Service Act of 1990. The National and Community Service Act of 1990 is amended

(1) in section 101

(A) in paragraph (8), by striking "section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8))" and inserting "section 14101 of the Elementary and Secondary Education Act of 1965";

(B) in paragraph (14), by striking "section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))" and inserting "section 14101 of the Elementary and Secondary Education Act of 1965;

(C) in paragraph (22), by striking "section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21))" and inserting "section 14101 of the Elementary and Secondary Education Act of 1965"; and

(D) in paragraph (28), by striking "section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23))" and inserting "section 14101 of the Elementary and Secondary Education Act of 1965";

(2) in subparagraph (B) of section 112(b)(2), by inserting "or its successor authority" after "(20 U.S.C. 2711 et seq.)"; and

(3) in subsection (b) of section 115A, by inserting ", as in effect on the day preceding the date of enactment of the Improving Americas Schools Act of 1994" after "(20 U.S.C. 2727(b))".

(i) Rehabilitation Act of 1973. The Rehabilitation Act of 1973 is amended

(1) in section 202(b)(4)(A)(i), by striking "paragraphs (8) and (21), respectively, of section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891 (8) and (21))" and inserting "section 14101 of the Elementary and Secondary Education Act of 1965"; and

(2) in subparagraph (B) of section 504(b)(2), by striking "section 1471(12)" and inserting "section 14101".

(j) School-To-Work Opportunities Act of 1994. The School-to-Work Opportunities Act of 1994 is amended

(1) in paragraph (15) of section 4, by striking "section 602(17)" and inserting "section 602(a)(17)"; and

(2) in subsection (b) of section 502, by amending paragraphs (1) through (6) to read as follows:

"(1) title I of the Elementary and Secondary Education Act of 1965;

"(2) part A of title II of the Elementary and Secondary Education Act of 1965;

"(3) part A of title V of the Elementary and Secondary Education Act of 1965;

"(4) part B of title IX of the Elementary and Secondary Education Act of 1965;

"(5) title XIII of the Elementary and Secondary Education Act of 1965; and

"(6) the Carl D. Perkins Vocational and Applied Technology Education Act.".

(k) Social Security Act. Paragraph (7) of section 402(g) of the Social Security Act (42 U.S.C. 602(g)(7)) is amended by striking "chapter 1 of the Education Consolidation and Improvement Act of 1981" and inserting "title I of the Elementary and Secondary Education Act of 1965".

(l) State Dependent Care Development Grants Act. Section 670G of the State Dependent Care Development Grants Act (42 U.S.C. 9877) is amended

(1) in paragraph (6), by striking "section 198(a)(10)" and inserting "section 14101 of the Elementary and Secondary Education Act of 1965"; and

(2) in paragraph (11), by striking "section 198(a)(17)" and inserting "section 14101".

(m) Tribally Controlled Schools Act of 1988. The Tribally Controlled Schools Act of 1988 is amended

(1) in subparagraph (C) of section 5204(a)(3), by striking "chapter 1 of"; and

(2) in section 5205

(A) in subparagraph (A) of subsection (a)(3), by striking "chapter 1 of"; and

(B) in subsection (b)

(i) in subparagraph (A) of paragraph (2), by striking "chapter 1 of"; and

(ii) in clause (i) of paragraph (3)(A), by striking "chapter 1 of".

TITLE IV NATIONAL EDUCATION STATISTICS

SEC. 401. SHORT TITLE.

This title may be cited as the "National Education Statistics Act of 1994".

SEC. 402. FINDINGS; PURPOSE; DEFINITIONS.

(a) Findings. The Congress finds that

(1) a Department of Education was established in 1867 "for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and territories, and of diffusing such information respecting the organization and management of schools and school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the United States";

(2) today, while the role of the current Department of Education is much broader, the National Center for Education Statistics within the Office of Educational Research and Improvement continues to perform those crucial original purposes; and

(3) looking to the 21st century, the National Center for Education Statistics must be able to design and undertake, effectively and efficiently, statistical activities that will aid in the reform of the Nations educational systems.

(b) Purpose. It is the purpose of this title to ensure the continuation of an effective mechanism for collecting and reporting statistics and information showing the condition and progress of education in the United States and other nations in order to promote and accelerate the improvement of American education.

(c) Definitions. For the purpose of this title and unless otherwise specified

(1) the term "Assistant Secretary" means the Assistant Secretary for Educational Research and Improvement established under section 202(b)(1)(E) of the Department of Education Organization Act;

(2) the term "Department" means the Department of Education;

(3) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(4) the term "local educational agency" has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965;

(5) the term "Secretary" means the Secretary of Education;

(6) the term "State educational agency" has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965; and

(7) the terms "State" and "United States"

(A) other than for the purpose of section 411, mean each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(B) for the purpose of section 411, have the same meaning given such terms in subparagraph (A), except that such terms include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

SEC. 403. NATIONAL CENTER FOR EDUCATION STATISTICS.

(a) Establishment. There is established, within the Office of Educational Research and Improvement established under section 208 of the Department of Education Organization Act, a National Center for Education Statistics (hereafter in this title referred to as the "Center").

(b) Commissioner and Associate Commissioners.

(1) Commissioner. The Center shall be headed by a Commissioner of Education Statistics (hereafter in this title referred to as the "Commissioner") who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall

(A) have substantial knowledge of programs assisted by the Center;

(B) be paid in accordance with section 5315 of title 5, United States Code; and

(C) serve for a term of four years, with the terms to expire every fourth June 21, beginning in 1995.

(2) Associate commissioners. The Commissioner may appoint such Associate Commissioners as the Commissioner determines are necessary and appropriate.

SEC. 404. DUTIES OF THE CENTER.

(a) Duties. The duties of the Center are to collect, analyze, and disseminate statistics and other information related to education in the United States and in other nations, including

(1) collecting, acquiring, compiling (where appropriate, on a State by State basis), and disseminating full and complete statistics on the condition and progress of education, at the preschool, elementary, secondary, and postsecondary levels in the United States, including data on

(A) State and local education reform activities;

(B) student achievement at all levels of education;

(C) secondary school completions, dropouts, and adult literacy;

(D) educational access to and opportunity for postsecondary education, including data on financial aid to postsecondary students;

(E) teaching, including data on course-taking, instruction, the conditions of the education workplace, and the supply of, and demand for, teachers, which may include data on the proportions of women and men, cross-tabulated by race or ethnicity, teaching in subjects in which such individuals have been historically underrepresented;

(F) the learning and teaching environment, including data on libraries;

(G) the incidence, frequency, seriousness, and nature of violence affecting students, school personnel, and other individuals participating in school activities, as well as other indices of school safety;

(H) the financing and management of education, including data on revenues and expenditures; and

(I) the social and economic status of children;

(2) conducting and publishing reports and analyses of the meaning and significance of such statistics;

(3) conducting longitudinal studies, as well as regular and special surveys and data collections, necessary to report on the condition and progress of education;

(4) collecting, analyzing, cross-tabulating, and reporting, to the extent feasible, so as to provide information by gender, race, socioeconomic status, limited-English proficiency, and other population characteristics when such disaggregated information would facilitate educational and policy decisionmaking;

(5) assisting public and private educational agencies, organizations, and institutions in improving and automating statistical and data collection activities; and

(6) acquiring and disseminating data on educational activities and student achievement in the United States compared with foreign nations.

(b) Training Program. The Commissioner may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of the Centers standard statistical procedures and concepts and may establish a fellows program to appoint such employees as temporary fellows at the Center in order to assist the Center in carrying out its duties.

SEC. 405. PERFORMANCE OF DUTIES.

(a) Grants, Contracts, and Cooperative Agreements.

(1) In general. In carrying out the Commissioners duties under this title, the Commissioner may award grants, and enter into contracts and cooperative agreements.

(2) Duration. Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements under this section may be awarded, on a competitive basis, for a period of not more than five years, and may be renewed at the discretion of the Commissioner for an additional period of not more than five years.

(b) Gathering Information.

(1) Sampling. The Commissioner may use the statistical method known as sampling to carry out the purpose of this title.

(2) Source of information. The Commissioner may, as the Commissioner considers appropriate, use information collected

(A) from States, local educational agencies, public and private schools, preschools, institutions of higher education, libraries, administrators, teachers, students, the general public, and such other individuals, organizations, agencies, and institutions as the Commissioner may consider appropriate; and

(B) by other offices within the Department and by other Federal departments, agencies, and instrumentalities.

(3) Collection. The Commissioner may

(A) enter into interagency agreements for the collection of statistics;

(B) arrange with any agency, organization, or institution for the collection of statistics; and

(C) assign employees of the Center to any such agency, organization, or institution to assist in such collection.

(4) Technical assistance and coordination. In order to maximize the effectiveness of Federal efforts to serve the educational needs of children and youth, the Commissioner shall

(A) provide technical assistance to Department offices that gather data for statistical purposes; and

(B) coordinate closely with other Department offices in the collection of data.

SEC. 406. REPORTS.

(a) Report on the Condition and Progress of Education. The Commissioner shall, not later than June 1, 1995, and each succeeding June 1 thereafter, submit to the President and the Congress a statistical report on the condition and progress of education in the United States.

(b) Statistical Reports. The Commissioner shall issue regular statistical reports to the President and Congress on such education topics as the Commissioner determines to be appropriate.

(c) Special Reports. The Commissioner may, whenever the Commissioner considers it appropriate, issue special reports on particular education topics.

SEC. 407. ADVISORY COUNCIL ON EDUCATION STATISTICS.

(a) Establishment. There is established, within the Center, the Advisory Council on Education Statistics (hereafter in this title referred to as the "Council").

(b) Membership.

(1) Composition. The Council shall be composed of

(A) 18 voting members who are users of education data and who are appointed by the Secretary on the basis of their experience and eminence within the field of education, of whom at least

(i) three shall be practicing educators;

(ii) three shall be education policymakers;

(iii) three shall be professional statisticians;

(iv) three shall be education researchers; and

(v) three shall be experts in educational measurement;

(B) three individuals representing the general public, appointed by the Secretary;

(C) the Director of the Census and the Commissioner of Labor Statistics, as voting, ex officio members; and

(D) the Assistant Secretary and the Commissioner, as nonvoting, ex officio members.

(2) Presiding officer. The Commissioner shall appoint the presiding officer of the Council from among the voting members of the Council.

(3) Terms. Members of the Council appointed under paragraph (1)(A) shall be appointed for three-year terms except that, in the case of initial appointments, the Secretary shall make appointments for shorter terms to the extent necessary to avoid the expiration of the terms of more than six members in the same calendar year.

(4) Meetings. (A) The Council shall meet in public session at the call of the presiding officer, except that the Council shall meet

(i) at least two times during each calendar year; and

(ii) in addition, whenever ten voting members request in writing that the presiding officer call a meeting.

(B) Eleven voting members of the Council shall constitute a quorum.

(5) Special rule. The Council shall

(A) review general policies for the operation of the Center and shall advise the Commissioner on standards to ensure that statistics and other information disseminated by the Center are of high quality and are not subject to partisan political influence; and

(B) advise the Commissioner and the National Assessment Governing Board on technical and statistical matters related to the National Assessment of Educational Progress.

(6) Staff. The Council shall appoint a staff of not more than six individuals with technical expertise to enable the Council to carry out its duties.

SEC. 408. CONFIDENTIALITY.

(a) Confidentiality Standards.

(1) In general. (A) The Center shall develop and enforce standards designed to protect the confidentiality of persons in the collection, reporting, and publication of data under this title.

(B) This section shall not be construed to protect the confidentiality of information about institutions, organizations, and agencies that receive grants from, or have contracts or cooperative agreements with, the Federal Government.

(2) Prohibition. No person may

(A) use any individually identifiable information furnished under this title for any purpose other than a statistical purpose;

(B) make any publication whereby the data furnished by any particular person under this title can be identified; or

(C) permit anyone other than the individuals authorized by the Commissioner to examine the individual reports.

(b) Administration.

(1) In general. No department, bureau, agency, officer, or employee of the Federal Government, except the Commissioner in carrying out the purposes of this title, shall require, for any reason, copies of reports that have been filed under this title with the Center or retained by any individual respondent. Copies of such reports that have been so filed or retained with the Center or any of the Centers employees, contractors, or agents shall be immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. This paragraph shall apply only to individually identifiable information (as defined in paragraph (5)(A)).

(2) Employee or staff violations. Whoever, being or having been an employee or staff member of the Department, having taken or subscribed the oath of office, or having sworn to observe the limitations imposed by subsection (a)(2), knowingly publishes or communicates any individually identifiable information (as defined in paragraph (5)(A)), the disclosure of which is prohibited by subsection (a)(2), and that comes into such employee or staffs possession by reason of employment (or otherwise providing services) under this title, shall be found guilty of a class E felony and imprisoned for not more than five years, or fined as specified in section 3571 of title 18, United States Code, or both.

(3) Temporary staff. The Commissioner may utilize temporary staff, including employees of Federal, State, or local agencies or instrumentalities (including local educational agencies), and employees of private organizations to assist the Center in performing the Centers responsibilities, but only if such temporary staff are sworn to observe the limitations imposed by this section.

(4) Information requirements. No collection of information or data acquisition activity undertaken by the Center shall be subject to any review, coordination, or approval procedure except as required by the Director of the Office of Management and Budget under the rules and regulations established pursuant to chapter 35 of title 44, United States Code, except such collection of information or data acquisition activity may be subject to review or coordination if the Commissioner determines that such review or coordination is beneficial.

(5) Definitions. For the purposes of this section

(A) the term "individually identifiable information" means any record, response form, completed survey, or aggregation thereof from which information about particular individuals may be revealed; and

(B) the term "report" means a response provided by or about an individual to an inquiry from the Center and does not include a statistical aggregation from which individually identifiable information cannot be revealed.

(6) Violations. Any person who uses any data provided by the Center, in conjunction with any other information or technique, to identify any individual student, teacher, administrator, or other individual and who knowingly discloses, publishes, or uses such data for a purpose other than a statistical purpose, or who otherwise violates subparagraph (A) or (B) of subsection (a)(2), shall be found guilty of a class E felony and imprisoned for not more than five years, or fined as specified in section 3571 of title 18, United States Code, or both.

(7) Access to reports or records. Nothing in this section shall restrict the right of the Secretary, the Comptroller General of the United States, the Director of the Congressional Budget Office, and the Librarian of Congress, to gain access to any reports or other records, including information identifying individuals, in the Centers possession, except that the same restrictions on disclosure that apply under paragraphs (1) and (6) shall apply to such individuals.

SEC. 409. DISSEMINATION.

(a) General Requests.

(1) In general. The Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

(2) Compilations. The Center shall provide State and local educational agencies opportunities to suggest the development of particular compilations of statistics, surveys, and analyses that would assist those educational agencies.

(b) Congressional Requests. The Center shall furnish such special statistical compilations and surveys as the Congress may request.

(c) Joint Statistical Projects. The Secretary may engage in joint statistical projects related to the purposes of this title, or other statistical purposes authorized by law, with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably as determined by the Secretary.

(d) Fees.

(1) In general. Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.

(2) Funds received. All funds received in payment for work or services described in this subsection may be used to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

(e) Access.

(1) Other agencies. The Center shall, consistent with section 408, cooperate with other Federal agencies having a need for educational data in providing access to educational data received by the Center.

(2) Interested parties. The Center shall, in accordance with such terms and conditions as the Secretary may prescribe, provide all interested parties, including public and private agencies and individuals, direct access to data collected by the Center for the purposes of research and acquiring statistical information.

SEC. 410. COOPERATIVE EDUCATION STATISTICS SYSTEMS.

(a) In General. The Commissioner may establish one or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information and data on elementary and secondary education, postsecondary education, and libraries, that are useful for policymaking at the Federal, State, and local levels. In carrying out this section, the Commissioner may provide technical assistance, and make grants and enter into contracts and cooperative agreements.

(b) Model Data System. The Commissioner, working through the cooperative education statistics system, shall study, design, and pilot a model data system that will yield information about spending for administration at the school and local education agency levels.

SEC. 411. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.

(a) Establishment. The Commissioner shall, with the advice of the National Assessment Governing Board established under section 412, and with the technical assistance of the Advisory Council established under section 407, carry out, through grants, contracts, or cooperative agreements with one or more qualified organizations, or consortia thereof, a National Assessment of Educational Progress (hereafter in this title referred to as the "National Assessment").

(b) Purpose; State Assessments.

(1) Purpose. The purpose of the National Assessment is to provide a fair and accurate presentation of educational achievement in reading, writing, and the other subjects included in the third National Education Goal, regarding student achievement and citizenship. The Commissioner, in carrying out the National Assessment, shall use sampling techniques that produce data that are representative on a national and regional basis, and on a State basis pursuant to paragraph (2). In addition, the Commissioner shall

(A) collect and report data on a periodic basis, but at least once every two years, on students at ages 9, 13, and 17 and in grades 4, 8, and 12 in public and private schools;

(B) report achievement data on a basis that ensures valid and reliable trend reporting;

(C) include information on special groups, including, whenever feasible, information collected, cross-tabulated, analyzed, and reported by sex, race or ethnicity and socioeconomic status; and

(D) ensure that achievement data are made available on a timely basis following official reporting, in a manner that facilitates further analysis.

(2) State assessments. (A)(i) The Commissioner, in carrying out the National Assessment, may conduct State assessments of student achievement in grades 4, 8, and 12.

(ii) Each such State assessment, in each subject area and at each grade level, shall be conducted on a developmental basis until the Commissioner determines, as the result of an evaluation required by subsection (f), that such assessment produces high quality data that are valid and reliable.

(B)(i) States wishing to participate in State assessments shall enter into an agreement with the Secretary pursuant to subsection (d)(2).

(ii) Such agreement shall contain information sufficient to give States full information about the process for consensus decisionmaking on objectives to be tested, and the standards for sampling, test administration, test security, data collection, validation, and reporting.

(C) A participating State shall review and give permission for the release of results from any test of its students administered as a part of a State assessment prior to the release of such data. Refusal by a State to release its data shall not restrict the release of data from other States that have approved the release of such data.

(3) Prohibited data. In carrying out the National Assessment, the Commissioner shall not collect any data that are not directly related to the appraisal of educational performance, achievement, and traditional demographic reporting variables, or to the fair and accurate presentation of such information.

(4) Technical assistance. In carrying out the National Assessment, the Commissioner may provide technical assistance to States, localities, and other parties.

(c) Access.

(1) Public access. Except as provided in paragraph (2), the public shall have access to all data, questions, and test instruments of the National Assessment.

(2) Personally identifiable information. (A) The Commissioner shall ensure that all personally identifiable information about students, their educational performance, and their families, and that information with respect to individual schools, remains confidential, in accordance with section 552a of title 5, United States Code.

(B) Notwithstanding any other provision of law, the Commissioner may decline to make available to the public for a period, not to exceed ten years after initial use, cognitive questions that the Commissioner intends to reuse in the future.

(d) Participation.

(1) National and regional. Participation in the national and regional assessments by State and local educational agencies shall be voluntary.

(2) State. Participation in assessments made on a State basis shall be voluntary. The Commissioner shall enter into an agreement with any State that desires to carry out an assessment for the State under this subsection. Each such agreement shall contain provisions designed to ensure that the State will

(A) participate in the assessment; and

(B) pay from non-Federal sources the non-Federal share of such participation.

(3) Non-federal share. (A) For each fiscal year, the non-Federal share for the purpose of paragraph (2)(B) shall be

(i) the cost of conducting the assessment at the school level for all public schools in the State sample;

(ii) the cost of coordination within the State; and

(iii) other reasonable costs specified by the Secretary in the agreement described in paragraph (2), such as the cost of analyzing and reporting the data.

(B) The non-Federal share of payments under this paragraph may be in cash or in kind, fairly valued.

(C) The agreement described in paragraph (2) shall describe the manner in which the costs of administering the assessment to private nonprofit schools included in the State sample will be met.

(e) Student Performance Levels.

(1) Performance levels. The National Assessment Governing Board, established under section 412, shall develop appropriate student performance levels for each age and grade in each subject area to be tested under the National Assessment.

(2) Development of levels. (A) Such levels shall be

(i) devised through a national consensus approach, providing for active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the general public;

(ii) used on a developmental basis until the Commissioner determines, as the result of an evaluation under subsection (f), that such levels are reasonable, valid, and informative to the public; and

(iii) updated as appropriate.

(B) In using such levels on a developmental basis, the Commissioner and the Board shall ensure that reports that use such levels do so in a manner that makes clear the developmental status of such levels.

(3) Reporting. After determining that such levels are reasonable, valid, and informative to the public, as the result of an evaluation under subsection (f), the Commissioner shall use such levels or other methods or indicators for reporting results of the National Assessment and State assessments.

(f) Review of National and State Assessments.

(1) In general. (A) The Secretary shall provide for continuing review of the National Assessment, State assessments, and student performance levels, by one or more nationally recognized evaluation organizations, such as the National Academy of Education and the National Academy of Sciences.

(B) Such continuing review shall address

(i) whether each developmental State assessment is properly administered, produces high quality data that are valid and reliable, and produces data on student achievement that are not otherwise available to the State (other than data comparing participating States to each other and the Nation); and

(ii) whether developmental student performance levels are reasonable, valid, and informative to the public.

(2) Report. The Secretary shall report to the Congress, the President, and the Nation on the findings and recommendations of such reviews.

(3) Use of findings and recommendations. The Commissioner shall consider the findings and recommendations of such reviews in designing the competition to select the organization, or organizations, through which the Commissioner carries out the National Assessment.

(g) Coverage Agreements.

(1) Department of defense schools. The Secretary and the Secretary of Defense may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment elementary and secondary schools operated by the Department of Defense.

(2) Bureau of indian affairs schools. The Secretary and the Secretary of the Interior may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment schools for Indian children operated or supported by the Bureau of Indian Affairs.

SEC. 412. NATIONAL ASSESSMENT GOVERNING BOARD.

(a) Establishment. There is established the National Assessment Governing Board (hereafter in this title referred to as the "Board"), which shall formulate policy guidelines for the National Assessment.

(b) Membership.

(1) Appointment and composition. The Board shall be appointed by the Secretary and be composed of

(A) two Governors, or former Governors, who shall not be members of the same political party;

(B) two State legislators, who shall not be members of the same political party;

(C) two chief State school officers;

(D) one superintendent of a local educational agency;

(E) one member of a State board of education;

(F) one member of a local board of education;

(G) three classroom teachers representing the grade levels at which the National Assessment is conducted;

(H) one representative of business or industry;

(I) two curriculum specialists;

(J) three testing and measurement experts, who shall have training and experience in the field of testing and measurement;

(K) one nonpublic school administrator or policymaker;

(L) two school principals, of whom one shall be an elementary school principal and one shall be a secondary school principal; and

(M) four additional members who are representatives of the general public, including parents.

(2) Assistant secretary for educational research. The Assistant Secretary for Educational Research and Improvement shall serve as an ex officio, nonvoting member of the Board.

(3) Special rule. The Secretary and the Board shall ensure at all times that the membership of the Board reflects regional, racial, gender, and cultural balance and diversity and that the Board exercises its independent judgment, free from inappropriate influences and special interests.

(c) Terms.

(1) In general. Terms of service of members of the Board shall be staggered and may not exceed a period of 3 years, as determined by the Secretary.

(2) Service limitation. Members of the Board may serve not more than two terms.

(3) Change of status. A member of the Board who changes status under subsection (b) during the term of the appointment of the member may continue to serve as a member until the expiration of such term.

(d) Vacancies.

(1) In general. (A) The Secretary shall appoint new members to fill vacancies on the Board from among individuals who are nominated by organizations representing the type of individuals described in subsection (b)(1) with respect to which the vacancy exists.

(B) Each organization submitting nominations to the Secretary with respect to a particular vacancy shall nominate for such vacancy six individuals who are qualified by experience or training to fill the particular Board vacancy.

(C) The Secretarys appointments shall maintain the composition, diversity, and balance of the Board required under subsection (b).

(2) Additional nominations. The Secretary may request that each organization described in paragraph (1)(A) submit additional nominations if the Secretary determines that none of the individuals nominated by such organization have appropriate knowledge or expertise.

(e) Duties.

(1) In general. In carrying out its functions under this section the Board shall

(A) select subject areas to be assessed (consistent with section 411(b)(1));

(B) develop appropriate student performance levels as provided in section 411(e);

(C) develop assessment objectives and test specifications through a national consensus approach which includes the active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the public;

(D) design the methodology of the assessment, in consultation with appropriate technical experts, including the Advisory Council established under section 407;

(E) develop guidelines for reporting and disseminating results;

(F) develop standards and procedures for interstate, regional, and national comparisons; and

(G) take appropriate actions needed to improve the form and use of the National Assessment.

(2) Delegation. The Board may delegate any of the Boards procedural and administrative functions to its staff.

(3) Cognitive items. The Board shall have final authority on the appropriateness of cognitive items.

(4) Prohibition against bias. The Board shall take steps to ensure that all items selected for use in the National Assessment are free from racial, cultural, gender, or regional bias.

(5) Technical. In carrying out the duties required by paragraph (1), the Board may seek technical advice, as appropriate, from the Commissioner and the Advisory Council on Education Statistics and other experts.

(6) Report. Not later than 90 days after an evaluation of the student performance levels under section 411(e), the Board shall make a report to the Secretary, the Committee on Education and Labor of the House of Representatives, and the Committee on Labor and Human Resources of the Senate describing the steps the Board is taking to respond to each of the recommendations contained in such evaluation.

(f) Personnel.

(1) In general. In the exercise of its responsibilities, the Board shall be independent of the Secretary and the other offices and officers of the Department.

(2) Staff. (A) The Secretary may appoint, at the request of the Board, such staff as will enable the Board to carry out its responsibilities.

(B) Such appointments may include, for terms not to exceed three years and without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, not more than six technical employees who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(g) Coordination. The Commissioner and the Board shall meet periodically

(1) to ensure coordination of their duties and activities relating to the National Assessment; and

(2) for the Commissioner to report to the Board on the Departments actions to implement the decisions of the Board.

(h) Administration. Only sections 10, 11, and 12 of the Federal Advisory Committee Act shall apply with respect to the Board.

SEC. 413. AUTHORIZATION OF APPROPRIATIONS.

(a) In General. There are authorized to be appropriated $65,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years to carry out this title (other than sections 411 and 412).

(b) National Assessment. There are authorized to be appropriated $35,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996 and 1997 to carry out section 411.

(c) Governing Board. There are authorized to be appropriated $3,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996 and 1997 to carry out section 412.

TITLE V MISCELLANEOUS PROVISIONS

PART A ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP ACT

SEC. 511. SHORT TITLE.

This part may be cited as the "Albert Einstein Distinguished Educator Fellowship Act of 1994".

SEC. 512. FINDINGS.

The Congress finds that

(1) the Department of Energy has unique and extensive mathematics and science capabilities that contribute to mathematics and science education programs throughout the Nation;

(2) a need exists to increase understanding, communication, and cooperation between the Congress, the Department of Energy, other Federal agencies, and the mathematics and science education community;

(3) elementary and secondary school mathematics and science teachers can provide practical insight to the legislative and executive branches in establishing and operating education programs; and

(4) a pilot program that placed elementary and secondary school mathematics and science teachers in professional staff positions in the Senate and the House of Representatives has proven successful and demonstrated the value of expanding the program.

SEC. 513. PURPOSE; DESIGNATION.

(a) Purpose. The purpose of this part is to establish within the Department of Energy a national fellowship program for elementary and secondary school mathematics and science teachers.

(b) Designation. A recipient of a fellowship under this part shall be known as an "Albert Einstein Fellow".

SEC. 514. DEFINITIONS.

As used in this part

(1) the term "elementary school" has the meaning provided by section 14101 of the Elementary and Secondary Education Act of 1965;

(2) the term "local educational agency" has the meaning provided by section 14101 of the Elementary and Secondary Education Act of 1965;

(3) the term "secondary school" has the meaning provided by section 14101 of the Elementary and Secondary Education Act of 1965; and

(4) the term "Secretary" means the Secretary of Energy.

SEC. 515. FELLOWSHIP PROGRAM.

(a) In General.

(1) Establishment. The Secretary shall establish the Albert Einstein Distinguished Educator Fellowship Program (hereafter in this part referred to as the "Program") to provide 12 elementary or secondary school mathematics or science teachers with fellowships in each fiscal year in accordance with this part.

(2) Order of priority. The Secretary may reduce the number of fellowships awarded under this part for any fiscal year in which the amount appropriated for the Program is insufficient to support 12 fellowships. If the number of fellowships awarded under this part is reduced for any fiscal year, then the Secretary shall award fellowships based on the following order of priority:

(A) Three fellowships in the Department of Energy.

(B) Two fellowships in the Senate.

(C) Two fellowships in the House of Representatives.

(D) One fellowship in each of the following entities:

(i) The Department of Education.

(ii) The National Institutes of Health.

(iii) The National Science Foundation.

(iv) The National Aeronautics and Space Administration.

(v) The Office of Science and Technology Policy.

(3) Terms of fellowships. Each fellowship awarded under this part shall be awarded for a period of ten months that, to the extent practicable, coincide with the academic year.

(4) Eligibility. To be eligible for a fellowship under this part, an elementary or secondary school mathematics or science teacher must demonstrate

(A) that such teacher would bring unique and valuable contributions to the Program;

(B) that such teacher is recognized for excellence in mathematics or science education; and

(C)(i) a sabbatical leave from teaching will be granted in order to participate in the Program; or

(ii) the teacher will return to a teaching position comparable to the position held prior to participating in the Program.

(b) Administration. The Secretary shall

(1) provide for the development and administration of an application and selection process for fellowships under the Program, including a process whereby final selections of fellowship recipients are made in accordance with subsection (c);

(2) provide for the publication of information on the Program in appropriate professional publications, including an invitation for applications from teachers listed in the directories of national and State recognition programs;

(3) select from the pool of applicants 12 elementary and secondary school mathematics teachers and 12 elementary and secondary school science teachers;

(4) develop a program of orientation for fellowship recipients under this part; and

(5) not later than August 31 of each year in which fellowships are awarded, prepare and submit an annual report and evaluation of the Program to the appropriate Committees of the Senate and the House of Representatives.

(c) Selection.

(1) In general. The Secretary shall arrange for the 24 semifinalists to travel to Washington, D.C., to participate in interviews in accordance with the selection process described in paragraph (2).

(2) Final selection. (A) Not later than May 1 of each year preceding each year in which fellowships are to be awarded, the Secretary shall select and announce the names of the fellowship recipients.

(B) The Secretary shall provide for the development and administration of a process to select fellowship recipients from the pool of semifinalists as follows:

(i) The Secretary shall select three fellowship recipients who shall be assigned to the Department of Energy.

(ii) The Majority Leader of the Senate and the Minority Leader of the Senate, or their designees, shall each select a fellowship recipient who shall be assigned to the Senate.

(iii) The Speaker of the House of Representatives and the Minority Leader of the House of Representatives, or their designees, shall each select a fellowship recipient who shall be assigned to the House of Representatives.

(iv) Each of the following individuals, or their designees, shall select one fellowship recipient who shall be assigned within the department, office, agency, or institute such individual administers:

(I) The Secretary of Education.

(II) The Director of the National Institutes of Health.

(III) The Director of the National Science Foundation.

(IV) The Administrator of the National Aeronautics and Space Administration.

(V) The Director of the Office of Science and Technology Policy.

SEC. 516. FELLOWSHIP AWARDS.

(a) Fellowship Recipient Compensation. Each recipient of a fellowship under this part shall be paid during the fellowship period at a rate of pay that shall not exceed the minimum annual rate payable for a position under GS-13 of the General Schedule.

(b) Local Educational Agency. The Secretary shall seek to ensure that no local educational agency penalizes a teacher who elects to participate in the Program.

SEC. 517. WASTE MANAGEMENT EDUCATION RESEARCH CONSORTIUM (WERC).

(a) In General. The Secretary is authorized to establish a partnership of Department of Energy laboratories, academic institutions, and private sector industries to conduct environmentally-related education programs, including programs involving environmentally conscious manufacturing and waste management activities that have undergraduate and graduate educational training as a component.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated for the Program $700,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years.

(b) WERC program. There are authorized to be appropriated for the WERC program under section 517 such sums as may be necessary for fiscal year 1995 and each of the four succeeding fiscal years.

PART B COMMUNITY SCHOOL PARTNERSHIPS

SEC. 521. SHORT TITLE.

This part may be cited as the "Community School Partnership Act".

SEC. 522. FINDINGS.

The Congress finds that

(1) the local community, when properly organized and challenged, is one of the best sources of academic support, motivation toward achievement, and financial resources for aspiring postsecondary students;

(2) local communities, working to complement or augment services currently being offered by area schools and colleges, can raise the educational expectations and increase the rate of postsecondary attendance of their youth by forming locally based organizations that provide both academic support (including guidance, counseling, mentoring, tutoring, encouragement, and recognition) and tangible, locally raised, effectively targeted, publicly recognized financial assistance;

(3) proven methods of stimulating these community efforts can be promoted through Federal support for the establishment of area program centers to organize and challenge community efforts to develop educational incentives and support for local students; and

(4) using Federal funds to leverage private contributions to help students from low-income families attain educational and career goals is an efficient and effective investment of scarce taxpayer-provided resources.

SEC. 523. DEFINITIONS.

As used in this part:

(1) Area program center. The term "area program center" means an organization that

(A) is part of, responsible to, and overseen by, the national organization; and

(B) is staffed by professionals trained to create, develop, and sustain local affiliated chapters in towns, cities, and neighborhoods.

(2) Local affiliated chapter. The term "local affiliated chapter" means an organization that

(A) is a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from taxation under section 501(a) of such Code (or shall meet this criteria through affiliation with the national organization described in paragraph (3));

(B) is formed for the purpose of providing educational scholarships and academic support for residents of the local community served by such organization;

(C) solicits broad-based community support in its academic support and fund-raising activities;

(D) is broadly representative of the local community in the structures of its volunteer-operated organization and has a board of directors that includes leaders from local neighborhood organizations and neighborhood residents, such as school or college personnel, parents, students, community agency representatives, and representatives of the business community;

(E) awards scholarships without regard to age, sex, marital status, race, creed, color, religion, national origin or disability; and

(F) gives priority in awarding scholarships to students from low-income families in the local community.

(3) National organization. The term "national organization" means an organization that

(A) has the capacity to create, develop and sustain local affiliated chapters;

(B) has the capacity to sustain newly created local affiliated chapters in towns, cities, and neighborhoods through ongoing training and support programs;

(C) is described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from taxation under section 501(a) of such Code;

(D) is a publicly supported organization within the meaning of section 170(b)(1)(A)(vi) of such Code;

(E) ensures that each of its local affiliated chapters meet the criteria described in subparagraphs (C) and (D); and

(F) has a program for or experience in cooperating with secondary and postsecondary institutions in carrying out its scholarship and academic support activities.

(4) High-poverty area. The term "high-poverty area" means a community with a higher percentage of children in poverty than the national average of such percentage.

(5) Students from low-income families. The term "students from low-income families" means students determined, pursuant to part F of title IV of the Higher Education Act of 1965, to be eligible for a Federal Pell Grant under subpart 1 of part A of title IV of such Act.

SEC. 524. PURPOSE; ENDOWMENT GRANT AUTHORITY.

(a) Purpose. It is the purpose of this part to establish and support area program centers to enable such centers to foster the development of local affiliated chapters in high-poverty areas that promote higher education goals for students from low-income families by

(1) providing academic support, including guidance, counseling, mentoring, tutoring, and recognition; and

(2) providing scholarship assistance for the pursuit of postsecondary education.

(b) Endowment Grant Authority. From the funds appropriated pursuant to the authority of section 527, the Secretary shall award an endowment grant, on a competitive basis, to a national organization to enable such organization to support the establishment or ongoing work of area program centers that foster the development of local affiliated chapters in high-poverty areas to improve high school graduation rates and postsecondary attendance through the provision of academic support services and scholarship assistance for the pursuit of postsecondary education.

SEC. 525. GRANT AGREEMENT AND REQUIREMENTS.

(a) In General. The Secretary shall award the endowment grant described in section 524(b) pursuant to an agreement between the Secretary and the national organization. Such agreement shall

(1) require the national organization to establish an endowment fund in the amount of the grant, the corpus of which shall remain intact and the interest income from which shall be used to support the activities described in paragraphs (2) and (3);

(2) require the national organization to use 25 percent of the interest income from the endowment fund in any fiscal year to provide scholarships for students from low-income families, which scholarships shall be matched on a dollar-for-dollar basis from funds raised by local affiliated chapters;

(3) require the national organization to use 75 percent of the interest income from the endowment fund in any fiscal year to support the establishment or ongoing work of area program centers to enable such centers to work with local communities to establish local affiliated chapters in high-poverty areas and provide ongoing technical assistance, training workshops, and other activities to help ensure the ongoing success of the local affiliated chapters;

(4) require the area program centers supported by the national organization to give priority to establishing local affiliated chapters that serve high-poverty areas;

(5) require the national organization to submit, in each fiscal year in which such organization uses the interest from the endowment fund, a report to the Secretary that contains

(A) a description of the programs and activities supported by the interest on the endowment fund;

(B) the audited financial statement of the national organization for the preceding fiscal year;

(C) a plan for the programs and activities to be supported from the interest on the endowment fund during the five succeeding fiscal years;

(D) an evaluation of the programs and activities supported by the interest on the endowment fund as the Secretary may require; and

(E) data indicating the number of students from low-income families who received scholarships from local affiliated chapters, and the amounts of such scholarships;

(6) contain such assurances as the Secretary may require with respect to the management and operation of the endowment fund;

(7) require that, in order to continue using the interest from the endowment fund, the national organization will meet the continuing eligibility requirements described in section 526; and

(8) contain an assurance that if the Secretary determines that such organization is not in substantial compliance with the provisions of this part, then the national organization shall pay to the Secretary an amount equal to the corpus of the endowment fund plus any accrued interest on such fund that is available to the national organization on the date of such determination.

(b) Returned Funds. All funds returned to the Secretary pursuant to subsection (a)(8) shall be available to the Secretary to carry out any scholarship or grant program assisted under title IV of the Higher Education Act of 1965.

SEC. 526. CONTINUING ELIGIBILITY.

The national organization shall be eligible to continue to use the interest from the endowment fund in accordance with the provisions of this part in the third and each such succeeding fiscal year in which such organization uses such interest only if the local affiliated chapters associated with all area program centers supported under this part distribute to students from low-income families 80 percent of the total amount of funds raised by all such chapters in such year.

SEC. 527. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for fiscal year 1996 to carry out this part.

PART C 1994 INSTITUTIONS

SEC. 531. SHORT TITLE.

This part may be cited as the "Equity in Educational Land-Grant Status Act of 1994".

SEC. 532. DEFINITION.

As used in this part, the term "1994 Institutions" means any one of the following colleges:

(1) Bay Mills Community College.

(2) Blackfeet Community College.

(3) Cheyenne River Community College.

(4) D-Q University.

(5) Dullknife Memorial College.

(6) Fond Du Lac Community College.

(7) Fort Belknap Community College.

(8) Fort Berthold Community College.

(9) Fort Peck Community College.

(10) LacCourte Orielles Ojibwa Community College.

(11) Little Big Horn Community College.

(12) Little Hoop Community College.

(13) Nebraska Indian Community College.

(14) Northwest Indian College.

(15) Oglala Lakota College.

(16) Salish Kootenai College.

(17) Sinte Gleska University.

(18) Sisseton Wahpeton Community College.

(19) Standing Rock College.

(20) Stonechild Community College.

(21) Turtle Mountain Community College.

(22) Navajo Community College.

(23) United Tribes Technical College.

(24) Southwest Indian Polytechnic Institute.

(25) Institute of American Indian and Alaska Native Culture and Arts Development.

(26) Crownpoint Institute of Technology.

(27) Haskell Indian Junior College.

(28) Leech Lake Tribal College.

(29) College of the Menominee Nation.

SEC. 533. LAND-GRANT STATUS FOR 1994 INSTITUTIONS.

(a) In General.

(1) Status of 1994 institutions. Except as provided in paragraph (2), 1994 Institutions shall be considered land-grant colleges established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301 et seq.) (commonly known as the First Morrill Act).

(2) 1994 institutions. (A) 1994 Institutions shall not be considered as land-grant colleges that are eligible to receive funding under

(i) the Act of March 2, 1887 (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.);

(ii) the Act of May 8, 1914 (38 Stat. 373, chapter 79; 7 U.S.C. 343), except as provided under section 3(b)(3) of such Act (as added by section 534(b)(1) of this part); or

(iii) the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.) (commonly known as the Second Morrill Act.)

(B) In lieu of receiving donations under the provisions of the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301 et seq.) (commonly known as the First Morrill Act), relating to the donations of public land or scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, 1994 Institutions shall receive funding pursuant to the authorization under subsection (b).

(b) Authorization of Appropriations. There are authorized to be appropriated $4,600,000 for each of fiscal years 1996 through 2000. Amounts appropriated pursuant to this section shall be held and considered to have been granted to 1994 Institutions to establish an endowment pursuant to subsection (c).

(c) Endowment.

(1) In general. In accordance with this subsection, the Secretary of the Treasury shall establish a 1994 Institutions Endowment Fund (hereafter in this subsection referred to as the "endowment fund"). The Secretary may enter into such agreements as are necessary to carry out this subsection.

(2) Deposit to the endowment fund. The Secretary shall deposit in the endowment fund any

(A) amounts made available by appropriations pursuant to subsection (b) (hereafter in this subsection referred to as the "endowment fund corpus"); and

(B) interest earned on the endowment fund corpus.

(3) Investments. The Secretary shall invest the endowment fund corpus and income in interest-bearing obligations of the United States.

(4) Withdrawals and expenditures. The Secretary may not make a withdrawal or expenditure from the endowment fund corpus. On the termination of each fiscal year, the Secretary shall withdraw the amount of the income from the endowment fund for the fiscal year, and after making adjustments for the cost of administering the endowment fund, distribute the adjusted income as follows:

(A) 60 percent of the adjusted income shall be distributed among the 1994 Institutions on a pro rata basis. The proportionate share of the adjusted income received by a 1994 Institution under this subparagraph shall be based on the Indian student count (as defined in section 390(3) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2397h(3)) for each 1994 Institution for the fiscal year.

(B) 40 percent of the adjusted income shall be distributed in equal shares to the 1994 Institutions.

SEC. 534. APPROPRIATIONS.

(a) Authorization of Appropriations.

(1) In general. For fiscal year 1996, and for each fiscal year thereafter, there are authorized to be appropriated to the Department of the Treasury an amount equal to

(A) $50,000; multiplied by

(B) the number of 1994 Institutions.

(2) Payments. For each fiscal year, the Secretary of the Treasury shall pay to the treasurer of each 1994 Institution an amount equal to

(A) the total amount made available by appropriations pursuant to paragraph (1); divided by

(B) the number of 1994 Institutions.

(3) Use of funds; requirements. The amounts authorized to be appropriated under this subsection shall be used in the same manner as is prescribed for colleges under the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.) (commonly known as the Second Morrill Act), and, except as otherwise provided in this subsection, the requirements of such Act shall apply to 1994 Institutions.

(b) Funding. Section 3 of the Act of May 8, 1914 (38 Stat. 373, chapter 79; 7 U.S.C. 343) is amended

(1) in subsection (b), by adding at the end the following new paragraph:

"(3) There are authorized to be appropriated for the fiscal year ending June 30, 1996, and for each fiscal year thereafter, for payment on behalf of the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994), $5,000,000 for the purposes set forth in section 2. Such sums shall be in addition to the sums appropriated for the several States and Puerto Rico, the Virgin Islands, and Guam under the provisions of this section. Such sums shall be distributed on the basis of a competitive application process to be developed and implemented by the Secretary and paid by the Secretary to State institutions established in accordance with the provisions of the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.) (commonly known as the First Morrill Act) (other than 1994 Institutions) and administered by such institutions through cooperative agreements with 1994 Institutions in the States of the 1994 Institutions in accordance with regulations that the Secretary shall adopt.";

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following new subsection:

"(f) There shall be no matching requirement for funds made available pursuant to subsection (b)(3).".

SEC. 535. INSTITUTIONAL CAPACITY BUILDING GRANTS.

(a) Definitions. As used in this section:

(1) Federal share. The term "Federal share" means, with respect to a grant awarded under subsection (b), the share of the grant that is provided from Federal funds.

(2) Non-federal share. The term "non-Federal share" means, with respect to a grant awarded under subsection (b), the matching funds paid with funds other than funds referred to in paragraph (1), as determined by the Secretary.

(3) Secretary. The term "Secretary" means the Secretary of Agriculture.

(b) In General.

(1) Institutional capacity building grants. For each of fiscal years 1996 through 2000, the Secretary shall make two or more institutional capacity building grants to assist 1994 Institutions with constructing, acquiring, and remodeling buildings, laboratories, and other capital facilities (including fixtures and equipment) necessary to conduct instructional activities more effectively in agriculture and sciences.

(2) Requirements for grants. The Secretary shall make grants under this section

(A) on the basis of a competitive application process under which appropriate officials of 1994 Institutions may submit applications to the Secretary in such form and manner as the Secretary may prescribe; and

(B) in such manner as to ensure geographic diversity with respect to the 1994 Institutions that are the subject of the grants.

(3) Demonstration of need. The Secretary shall require, as part of an application for a grant under this subsection, a demonstration of need. The Secretary may only award a grant under this subsection to an applicant that demonstrates a failure to obtain funding for a project after making a reasonable effort to otherwise obtain the funding.

(4) Payment of non-federal share. A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount specified by the Secretary.

(c) Authorization of Appropriations. There are authorized to be appropriated to the Department of Agriculture to carry out this section, $1,700,000 for each of fiscal years 1996 through 2000.

PART D WORKERS TECHNOLOGY SKILL DEVELOPMENT

SEC. 541. SHORT TITLE.

This part may be cited as the "Workers Technology Skill Development Act".

SEC. 542. FINDINGS.

The Congress finds and declares the following:

(1) In an increasingly competitive world economy, the companies and nations that lead in the rapid development, commercialization, and application of new and advanced technologies, and in the high-quality, competitively priced production of goods and services, will lead in economic growth, employment, and high living standards.

(2) While the United States remains the world leader in science and invention, it has not done well in rapidly making the transition from achievement in its research laboratories to high-quality, competitively priced production of goods and services. This lag and the unprecedented competitive challenge that the United States has faced from abroad have contributed to a drop in real wages and living standards.

(3) Companies that are successfully competitive in the rapid development, commercialization, application, and implementation of advanced technologies, and in the successful delivery of goods and services, recognize that worker participation and labor-management cooperation in the deployment, application, and implementation of advanced workplace technologies make an important contribution to high-quality, competitively priced production of goods and services and in maintaining and improving real wages for workers.

(4) The Federal Government has an important role in encouraging and augmenting private sector efforts relating to the development, application, manufacture, and deployment of new and advanced technologies. The role should be to

(A) work with private companies, States, worker organizations, nonprofit organizations, and institutions of higher education to ensure the development, application, production, and implementation of new and advanced technologies to promote the improvement of workers skills, wages, job security, and working conditions, and a healthy environment;

(B) encourage worker and worker organization participation in the development, commercialization, evaluation, selection, application, and implementation of new and advanced technologies in the workplace; and

(C) promote the use and integration of new and advanced technologies in the workplace that enhance workers skills.

(5) In working with the private sector to promote the technological leadership and economic growth of the United States, the Federal Government has a responsibility to ensure that Federal technology programs help the United States to remain competitive and to maintain and improve living standards and to create and retain secure jobs in economically stable communities.

SEC. 543. PURPOSES.

The purposes of this part are to

(1) improve the ability of workers and worker organizations to recognize, develop, assess, and improve strategies for successfully integrating workers and worker organizations into the process of evaluating, selecting, and implementing advanced workplace technologies, and advanced workplace practices in a manner that creates and maintains stable well-paying jobs for workers; and

(2) assist workers and worker organizations in developing the expertise necessary for effective participation with employers in the development of strategies and programs for the successful evaluation, selection, and implementation of advanced workplace technologies and advanced workplace practices through the provision of a range of education, training, and related services.

SEC. 544. DEFINITIONS.

As used in this part:

(1) Advanced workplace practices. The term "advanced workplace practices" means innovations in work organization and performance, including high-performance workplace systems, flexible production techniques, quality programs, continuous improvement, concurrent engineering, close relationships between suppliers and customers, widely diffused decisionmaking and work teams, and effective integration of production technology, worker skills and training, and workplace organization, and such other characteristics as determined appropriate by the Secretary of Labor, in consultation with the Secretary of Commerce.

(2) Advanced workplace technologies. The term "advanced workplace technologies" includes

(A) numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving the manufacturing and industrial production of goods and commercial services, which advance the state-of-the-art; or

(B) novel industrial and commercial techniques and processes not previously generally available that improve quality, productivity, and practices, including engineering design, quality assurance, concurrent engineering, continuous process production technology, inventory management, upgraded worker skills, communications with customers and suppliers, and promotion of sustainable economic growth.

(3) Department. The term "Department" means the Department of Labor.

(4) Nonprofit organization. The term "nonprofit organization" means a tax-exempt organization, as described in paragraph (3), (4), or (5) of section 501(c) of the Internal Revenue Code of 1986.

(5) Secretary. The term "Secretary" means the Secretary of Labor.

(6) Worker organization. The term "worker organization" means a labor organization within the meaning of section 501(c)(5) of the Internal Revenue Code of 1986.

SEC. 545. GRANTS.

(a) In General. The Secretary of Labor, after consultation with the Secretary of Commerce, shall, to the extent appropriations are available, award grants to eligible entities to carry out the purposes described in section 543.

(b) Eligibility. To be eligible to receive a grant under this section, an entity shall

(1) be a nonprofit organization, or a partnership consortium of such organizations;

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the activities that the entity will carry out using amounts received under the grant; and

(3) agree to make available (directly or through donations from public or private entities) non-Federal contributions toward the costs of the activities to be conducted with grant funds, in an amount equal to the amount required under subsection (d).

(c) Use of Amounts. An entity shall use amounts received under a grant awarded under this section to carry out the purposes described in section 543 through activities such as

(1) the provision of technical assistance to workers, worker organizations, employers, State economic development agencies, State industrial extension programs, Advanced Technology Centers, and National Manufacturing Technology Centers to identify advanced workplace practices and strategies that enhance the effective evaluation, selection, and implementation of advanced workplace technologies;

(2) the researching and identification of new and advanced workplace technologies, and advanced workplace practices that promote the improvement of workers skills, wages, working conditions, and job security, that research the link between advanced workplace practices and long-term corporate performance, and which are consistent with the needs of local communities and the need for a healthy environment; and

(3) the development and dissemination of training programs and materials to be used for and by workers, worker organizations, employers, State economic development agencies, State industrial extension programs, Advanced Technology Centers, and National Manufacturing Technology Centers relating to the activities and services provided pursuant to paragraphs (1) and (2), and regarding successful practices including practices which address labor-management cooperation and the involvement of workers in the design, development, and implementation of workplace practices and technologies.

(d) Terms of Grants and Non-Federal Shares.

(1) Terms. Grants awarded under this section shall be for a term not to exceed six years.

(2) Non-federal share. Amounts required to be contributed by an entity under subsection (b)(3) shall equal

(A) an amount equal to 15 percent of the amount provided under the grant in the first year for which the grant is awarded;

(B) an amount equal to 20 percent of the amount provided under the grant in the second year for which the grant is awarded;

(C) an amount equal to 33 percent of the amount provided under the grant in the third year for which the grant is awarded;

(D) an amount equal to 40 percent of the amount provided under the grant in the fourth year for which the grant is awarded; and

(E) an amount equal to 50 percent of the amount provided under the grant in the fifth and sixth years for which the grant is awarded.

(e) Evaluation. The Department shall develop mechanisms for evaluating the effectiveness of the use of a grant awarded under this section in carrying out the purposes under section 543 and, not later than two years after the date of enactment of this Act, and every two years thereafter, prepare and submit a report to Congress concerning such evaluation.

SEC. 546. IDENTIFICATION AND DISSEMINATION OF BEST PRACTICES.

(a) In General.

(1) Information. The Secretary, in cooperation and after consultation with the Secretary of Commerce, shall assist workers, worker organizations, and employers in successfully adopting advanced workplace technologies, and advanced workplace practices by identifying, collecting, and disseminating information on best workplace practices and workplace assessment tools, including

(A) methods, techniques, and successful models of labor-management cooperation and of worker and worker organization participation in the development, evaluation, selection, and implementation of new and advanced workplace technologies, and advanced workplace practices;

(B) methods, techniques, and successful models for the design and implementation of new and advanced workplace practices;

(C) methods, techniques, and successful models for the design and implementation of advanced forms of work organization; and

(D) methods, techniques, and successful models for the assessment of worker skills and training needs relating to the effective development, evaluation, selection, and implementation of advanced workplace technologies, and advanced workplace practices.

(2) Contents. Such information on best workplace practices shall include

(A) summaries and analyses of best practice cases;

(B) criteria for assessment of current workplace practices; and

(C) information on the best available education and training materials and services relating to the development, implementation, and operation of systems utilizing new and advanced workplace technologies, and advanced workplace practices.

(b) Distribution. The information and materials developed under this section shall be distributed through an appropriate entity designated by the Secretary of Commerce to the Regional Centers for the Transfer of Manufacturing Technology, to the Manufacturing Outreach Center, to other technology training entities, and directly to others as determined appropriate by the Secretary of Labor and the Secretary of Commerce.

SEC. 547. AUTHORIZATION OF APPROPRIATIONS.

(a) In General. There are authorized to be appropriated to carry out this part such sums as may be necessary for each of the fiscal years 1995 through 1997.

(b) Availability. Amounts appropriated under subsection (a) shall remain available until expended.

PART E MULTIETHNIC PLACEMENT

Subpart 1 Multiethnic Placement

SEC. 551. SHORT TITLE.

This subpart may be cited as the "Howard M. Metzenbaum Multiethnic Placement Act of 1994".

SEC. 552. FINDINGS AND PURPOSE.

(a) Findings. The Congress finds that

(1) nearly 500,000 children are in foster care in the United States;

(2) tens of thousands of children in foster care are waiting for adoption;

(3) 2 years and 8 months is the median length of time that children wait to be adopted;

(4) child welfare agencies should work to eliminate racial, ethnic, and national origin discrimination and bias in adoption and foster care recruitment, selection, and placement procedures; and

(5) active, creative, and diligent efforts are needed to recruit foster and adoptive parents of every race, ethnicity, and culture in order to facilitate the placement of children in foster and adoptive homes which will best meet each childs needs.

(b) Purpose. It is the purpose of this subpart to promote the best interests of children by

(1) decreasing the length of time that children wait to be adopted;

(2) preventing discrimination in the placement of children on the basis of race, color, or national origin; and

(3) facilitating the identification and recruitment of foster and adoptive families that can meet childrens needs.

SEC. 553. MULTIETHNIC PLACEMENTS.

(a) Activities.

(1) Prohibition. An agency, or entity, that receives Federal assistance and is involved in adoption or foster care placements may not

(A) categorically deny to any person the opportunity to become an adoptive or a foster parent, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved; or

(B) delay or deny the placement of a child for adoption or into foster care, or otherwise discriminate in making a placement decision, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved.

(2) Permissible consideration. An agency or entity to which paragraph (1) applies may consider the cultural, ethnic, or racial background of the child and the capacity of the prospective foster or adoptive parents to meet the needs of a child of this background as one of a number of factors used to determine the best interests of a child.

(3) Definition. As used in this subsection, the term "placement decision" means the decision to place, or to delay or deny the placement of, a child in a foster care or an adoptive home, and includes the decision of the agency or entity involved to seek the termination of birth parent rights or otherwise make a child legally available for adoptive placement.

(b) Equitable Relief. Any individual who is aggrieved by an action in violation of subsection (a), taken by an agency or entity described in subsection (a), shall have the right to bring an action seeking relief in a United States district court of appropriate jurisdiction.

(c) Federal Guidance. Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall publish guidance to concerned public and private agencies and entities with respect to compliance with this subpart.

(d) Deadline for Compliance.

(1) In general. Except as provided in paragraph (2), an agency or entity that receives Federal assistance and is involved with adoption or foster care placements shall comply with this subpart not later than six months after publication of the guidance referred to in subsection (c), or one year after the date of enactment of this Act, whichever occurs first.

(2) Authority to extend deadline. If a State demonstrates to the satisfaction of the Secretary that it is necessary to amend State statutory law in order to change a particular practice that is inconsistent with this subpart, the Secretary may extend the compliance date for the State a reasonable number of days after the close of the first State legislative session beginning after the date the guidance referred to in subsection (c) is published.

(e) Noncompliance Deemed a Civil Rights Violation. Noncompliance with this subpart is deemed a violation of title VI of the Civil Rights Act of 1964.

(f) No Effect on Indian Child Welfare Act of 1978. Nothing in this section shall be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

SEC. 554. REQUIRED RECRUITMENT EFFORTS FOR CHILD WELFARE SERVICES PROGRAMS.

Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by adding at the end the following:

"(9) provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed.".

Subpart 2 Other Provision

SEC. 555. EFFECT OF FAILURE TO CARRY OUT STATE PLAN.

(a) In General. Part A of title XI of the Social Security Act (42 U.S.C. 1301-1320b-13) is amended by inserting after section 1122 the following:

"SEC. 1123. EFFECT OF FAILURE TO CARRY OUT STATE PLAN.

"In an action brought to enforce a provision of the Social Security Act, such provision is not to be deemed unenforceable because of its inclusion in a section of the Act requiring a State plan or specifying the required contents of a State plan. This section is not intended to limit or expand the grounds for determining the availability of private actions to enforce State plan requirements other than by overturning any such grounds applied in Suter v. Artist M., 112 S. Ct. 1360 (1992), but not applied in prior Supreme Court decisions respecting such enforceability; provided, however, that this section is not intended to alter the holding in Suter v. Artist M. that section 471(a)(15) of the Act is not enforceable in a private right of action.

(b) Applicability. The amendment made by subsection (a) shall apply to actions pending on the date of the enactment of this Act and to actions brought on or after such date of enactment.

PART F MISCELLANEOUS

SEC. 561. BUDGET COMPLIANCE.

Any authority or requirement to make funds available under this Act shall be effective only to the extent provided in appropriations Acts.

SEC. 562. DOCUMENTS TRANSMITTED TO CONGRESS.

In documents transmitted to Congress explaining the Presidents budget request for the Special Education account, the Department of Education shall display amounts included in the request to reflect the incorporation of the program for children with disabilities under part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such part was in effect on the day preceding the date of enactment of the Improving Americas Schools Act of 1994).

SEC. 563. VOCATIONAL EDUCATION REGULATIONS.

(a) In General. Notwithstanding any other provision of law, beginning on the date of enactment of this Act, and ending on the date of enactment of an Act reauthorizing the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.) the Department of Educations interpretation of the Carl D. Perkins Vocational and Applied Technology Act relating to

(1) the access or participation of members of special populations in vocational education, including the provision of supplementary services and the cost of such services; and

(2) the conduct of local evaluations, that are contained in the final regulations published in the Federal Register on August 14, 1992, shall remain in effect.

(b) Special Rule. The Secretary of Education may not issue additional regulations concerning the final regulations described in subsection (a)(2).

SEC. 564. RATE OF PAY FOR THE DEPUTY DIRECTOR OF THE NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.

Notwithstanding section 202(c)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 761a(c)(2)), the Secretary of Education is authorized to compensate any individual appointed during calendar year 1994 to be the Deputy Director of the National Institute on Disability and Rehabilitation Research at the rate of basic pay for a position at ES-5 of the Senior Executive Service Schedule.

SEC. 565. STUDY.

The Secretary of the Interior shall conduct a study, in consultation with the board of regents of the Haskell Indian Junior College to evaluate the possible need for alternative institutional and administrative systems at Haskell Indian Junior College to support the transition of such college to a four year university. If the studys conclusions require legislation to be implemented, the study shall be accompanied by appropriate draft legislation. Such study shall be transmitted to the Committee on Indian Affairs of the Senate and the Committee on Education and Labor of the House of Representatives by June 1, 1995.

SEC. 566. THERAPEUTIC MODEL DEMONSTRATION SCHOOLS.

(a) Authorization.

(1) In general. The Secretary of the Interior, acting through the Bureau of Indian Affairs, is authorized to establish demonstration schools, based on the therapeutic model described in this section, to provide services necessary to achieve positive changes in the attitudes, behavior, and academic performance of Indian youth attending off-reservation boarding schools.

(2) Purpose. The purpose of the therapeutic model demonstration schools is

(A) to provide a program, based on an annual written plan, linking clinicians, counselors, and mental health professionals with academic program personnel in a culturally sensitive residential program tailored to the particular needs of Indian students;

(B) to provide for a continued evaluation of the planning and implementation of the therapeutic model in the designated schools; and

(C) to determine what steps the Bureau of Indian Affairs must take and what resources are required to transform existing off-reservation boarding schools to meet the needs of chemically dependent, emotionally disturbed, socially troubled, or other at-risk Indian youth who attend such schools.

(b) Location. The Secretary shall initiate the therapeutic model at two schools during school years 1994 through 1996, and shall give priority to

(1) one school that is the recipient of a grant under section 5204 of the August F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 during the 1994-1995 school year; and

(2) one school operated by the Bureau of Indian Affairs during the 1995-1996 school year.

(c) Services. The demonstration schools shall provide an integrated residential environment that may include

(1) mental health services;

(2) education;

(3) recreation therapy;

(4) social service programs;

(5) substance abuse education and prevention; and

(6) other support services for aftercare.

(d) Staffing. The demonstration schools shall be staffed with health and social service professionals, and educators, and may include

(1) clinical psychologists;

(2) child psychologists;

(3) substance abuse counselors;

(4) social workers; and

(5) health educators.

(e) Enrollment. Notwithstanding any other provision of law, the Secretary of the Interior may limit the enrollment at the demonstration schools.

(f) Assistance. The Secretary is authorized to enter into agreements with other organizations and agencies, including the Indian Health Service, to carry out this section.

(g) Report. Not later than July 31 of each year, the Secretary of the Interior shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Education and Labor of the House of Representatives on the progress of the Department of the Interior in the development of the demonstration schools.

SEC. 567. IMPACT AID WAIVER.

In carrying out section 14(c) of the Act of September 23, 1950 (Public Law 815, 81st Congress) (20 U.S.C. 644(c)) the Secretary shall waive any amount of local effort in excess of $200,000 that would otherwise be required under paragraphs (3) and (4) of such section and any regulations issued thereunder, in awarding funds to the Winona R-III School District, Missouri, with respect to its application #MO-86-C-3601A36.

SEC. 568. APPLICATION OF THE ANTITRUST LAWS TO AWARD OF NEED-BASED EDUCATIONAL AID.

(a) Temporary Exemption. It shall not be unlawful under the antitrust laws for 2 or more institutions of higher education at which all students admitted are admitted on a need-blind basis, to agree or attempt to agree

(1) to award such students financial aid only on the basis of demonstrated financial need for such aid;

(2) to use common principles of analysis for determining the need of such students for financial aid if the agreement to use such principles does not restrict financial aid officers at such institutions in their exercising independent professional judgment with respect to individual applicants for such financial aid;

(3) to use a common aid application form for need-based financial aid for such students if the agreement to use such form does not restrict such institutions in their requesting from such students, or in their using, data in addition to the data requested on such form; or

(4) to exchange through an independent third party, before awarding need-based financial aid to any of such students who is commonly admitted to the institutions of higher education involved, data with respect to the student so admitted and the students family relating to assets, income, expenses, the number of family members, and the number of the students siblings in college, if each of such institutions is permitted to retrieve such data only once with respect to the student.

(b) Limitations. Subsection (a) shall not apply with respect to

(1) any financial aid or assistance authorized by the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.); or

(2) any contract, combination, or conspiracy with respect to the amount or terms of any prospective financial aid award to a specific individual.

(c) Definitions. For purposes of this section

(1) the term "alien" has the meaning given such term in section 101(3) of the Immigration and Nationality Act (8 U.S.C. 1101(3));

(2) the term "antitrust laws" has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section applies to unfair methods of competition;

(3) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term "lawfully admitted for permanent residence" has the meaning given such term in section 101(20) of the Immigration and Nationality Act (8 U.S.C. 1101(20));

(5) the term "national of the United States" has the meaning given such term in section 101(22) of the Immigration and Nationality Act (8 U.S.C. 1101(22));

(6) the term "on a need-blind basis" means without regard to the financial circumstances of the student involved or the students family; and

(7) the term "student" means, with respect to an institution of higher education, a national of the United States or an alien admitted for permanent residence who is admitted to attend an undergraduate program at such institution on a full-time basis.

(d) Expiration. Subsection (a) shall expire on September 30, 1997.

(e) Related Amendments. The Higher Education Amendments of 1992 (Public Law 102-325) is amended

(1) in the table of contents by striking the matter relating to section 1544, and part F of title XV, of such Act; and

(2) by striking part F of title XV of such Act.

SEC. 569. DETERMINATION FOR FISCAL YEAR 1994.

Notwithstanding the proviso referring to section 3(d)(2)(B) of Public Law 81-874 under the following heading "IMPACT AID" under title III of the Departments of Labor, Health and Human services and Education, and Related Agencies Appropriations Act of 1994, or any provision of paragraph (2) of section 3(d) of such Public Law which is consistent with this proviso, determinations regarding the eligibility for an amount of payments under section 3(d)(2)(B) of such Public Law for fiscal year 1994 shall be made on the basis of 1994 data, and related Department regulations in effect during fiscal year 1992 shall be used in the tabulation of payments.

And the Senate agree to the same.

For consideration of the House bill and Senate amendment (except for sections 601-603 and 801-805):

William D. Ford,

George Miller,

Dale E. Kildee,

Pat Williams,

Major R. Owens,

Tom Sawyer,

Donald M. Payne,

Jolene Unsoeld,

Patsy T. Mink,

Jack Reed,

Tim Roemer,

Eliot L. Engel,

Xavier Becerra,

Gene Green,

Lynn C. Woolsey,

Carlos Romero-Barcelo1,

Karan English,

Ted Strickland,

Robert A. Underwood,

From the Committee on Education and Labor for consideration of sections 601-603 of the Senate amendment:

William D. Ford,

Major R. Owens,

Donald M. Payne,

From the Committee on Ways and Means for consideration of sections 601-603 of the Senate amendment:

Sam Gibbons,

Harold Ford,

From the Committee on Education and Labor for consideration of sections 801-805 of the Senate amendment:

William D. Ford,

Pat Williams,

Tom Sawyer,

From the Committee on Agriculture for consideration of sections 801-805 of the Senate amendment:

Kika de la Garza,

Charlie Stenholm,

Pat Roberts,

Managers on the Part of the House.

Edward M. Kennedy,

Claiborne Pell,

Howard M. Metzenbaum,

Christopher J. Dodd,

Paul Simon,

Tom Harkin,

Barbara A. Mikulski,

Jeff Bingaman,

Paul Wellstone,

Harris Wofford,

Nancy Landon Kassebaum,

James M. Jeffords,

Orrin Hatch,

Dave Durenberger,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6) to extend for five years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Statement of Managers

The Managers on the part of the House and the Senate wish to recognize the extraordinary contributions of John (Jack) Jennings to the Congress and to the Federal programs in support of education. Jack Jennings is retiring at the end of this Congress having served for over a quarter century as counsel to the Education and Labor Committee and its Subcommittee on Elementary, Secondary, and Vocational Education. During his service, Jack Jennings has been a model of staff professionalism, striving always to produce high quality education laws that faithfully reflect the policy decisions of the Members of Congress. The Members of Congress who have worked with Jack Jennings have benefited from his thoughtful counsel and diligence as have millions of students in Americas schools.

Title I, Part A

Short Title; Table of Contents

1. The House bill contains a table of contents for the Improving Americas Schools Act, which includes the Elementary and Secondary Education Act; the Senate amendment outlines the organization of the Improving Americas Schools Act and includes a table of contents for the Elementary and Secondary Education Act.

The Senate recedes.

Effective Dates; Transition

2. The House bill refers to "Except as provided in subparagraph (B), the provisions of title I"; the Senate amendment entitles the paragraph "Title I" and refers to "The amendment made by title I".

Legislative counsel.

3. Both the House bill and the Senate amendment have an exception for the Impact Aid provisions, but the cites are different.

Legislative counsel.

4. The House bill refers to "programs that are conducted"; the Senate amendment refers to "programs under such Act that are conducted".

Legislative counsel.

5. The House bill refers to "in fiscal year 1995 and in subsequent"; the Senate amendment refers to "for fiscal year 1995 and for subsequent".

The Senate recedes.

6. The House bill, but not the Senate bill, requires that the Impact Aid provisions become effective on October 1, 1994.

The Senate recedes with an amendment changing the Title VIII effective date from October 1, 1994 to date of enactment of this Act.

7. The House bill refers to "The provisions of title II of this Act"; the Senate amendment entitles the paragraph "Title II" and refers to "Title II of this Act and the amendments made by title II of this Act".

Legislative counsel.

8. The House bill refers to "shall be effective upon enactment"; the Senate bill refers to "shall take effect on the date of enactment of this Act".

Legislative counsel.

9. Both the House bill and the Senate amendment refer to the equity provisions, but the cites are different.

Legislative counsel.

10. The House bill refers to "of this Act shall take effect"; the Senate amendment entitles the paragraph "Title III" and refers to "of this Act and the amendments made by such parts shall take effect on".

Legislative counsel.

11. The House bill refers to "of this Act"; the Senate amendment refers to "of this Act and the amendments made by such part".

Legislative counsel.

12. The House bill refers to "as in effect prior to amendment by this Act"; the Senate amendment refers to "as such Act was in effect on the day preceding the date of enactment of this Act".

Legislative counsel.

13. The House bill refers to "available to it"; the Senate amendment refers to "available to such recipient".

Legislative counsel.

TITLE I AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

14. The Senate amendment, but not the House bill, includes a U.S. code cite for the Elementary and Secondary Education Act of 1965.

Legislative counsel.

title i improved education for disadvantaged children

15. The House bill entitles Title I as "Improved Education for Disadvantaged Children"; the Senate amendment entitles Title I as "Helping Children in Need Meet High Standards".

The House recedes with an amendment changing the heading to read "HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS".

Declaration of Policy Statement and Purpose

16. The Senate amendment, but not the House bill, includes a heading for the paragraph entitled "In General".

Legislative counsel.

17. The House bill refers to "for all persons"; the Senate amendment refers to "for all individuals".

Legislative counsel.

18. The House bill refers to "such education"; the Senate amendment refers to "that education".

Legislative counsel.

19. The House bill gives a detailed description of what constitutes "a societal good"; the Senate amendment refers to "a societal good".

The House recedes.

20. The House bill, but not the Senate amendment, states that a high quality education for all persons and a fair and equal opportunity to obtain such education are a private good.

The House recedes.

21. The House bill gives a detailed description of what constitutes "a moral imperative"; the Senate amendment refers to "a moral imperative".

The House recedes.

22. The House bill refers to "the life of every person"; the Senate bill refers to "the life of every individual".

Legislative counsel.

23. The Senate amendment, but not the House bill, contains an additional policy which states that the Congress declares it to be the policy of the United States to expand the Title I program by increasing the funding for it by at least $750,000,000 over baseline in each fiscal year, thereby increasing the percentage of eligible children who receive services with the intent of serving all eligible children by fiscal year 2004.

The House recedes with an amendment changing 1995 to 1996.

24. The Senate amendment, but not the House bill, refers to "our Nations" highest poverty schools.

Legislative counsel.

25. The Senate amendment, but not the House bill, includes children with disabilities among those for whom the educational needs are particularly great.

The House recedes.

26. The House bill, but not the Senate amendment, states that while title I and other ESEA programs have contributed to narrowing the achievement gap between children in high poverty schools and in low poverty schools, these programs need to become more effective in improving schools in order to enable all children to achieve high standards.

The Senate recedes.

27. The Senate amendment, but not the House bill, states that in order for all students to master challenging standards in core academic subjects as described in the National Education Goal 3, students and schools will need to maximize the time spent on teaching and learning the core academic subjects, and students who receive pullout instruction at the expense of core academic subjects learning time can fall farther behind in learning the core academic subjects.

The House recedes with an amendment inserting a period after core academic subjects.

28. The House bill entitles the subsection as "What Has Been Learned"; the Senate amendment entitles the subsection as "What Has Been Learned Since 1988".

The House recedes.

29. The House bill refers to "builds upon what has been learned"; the Senate amendment refers to "builds upon the following learned information".

Legislative counsel.

Style Note: The House bill has the finding as one sentence; the Senate amendment has the finding as two sentences.

Legislative counsel.

30. The House bill refers to "and they are given"; the Senate amendment refers to "and all children are given".

Legislative counsel.

31. The House bill, but not the Senate amendment, states that conditions outside the classroom can adversely affect childrens academic achievement and must be addressed through the coordination of services in order for the Nation to meet the National Education Goals, and then goes on to list those conditions.

The Senate recedes.

32. The House bill, but not the Senate amendment, states that a better understanding of the principles of good health can help children and adolescents succeed in school, become active, productive members of society, and successfully compete in the economy. The House bill further states that schools that provide quality physical and health education contribute to enhanced knowledge, behavior, and fitness of children and adolescents.

The House recedes.

33. The House bill refers to "the low level skills measured by such tests"; the Senate amendment refers to "low level skills measured by those tests".

Legislative counsel.

34. The House bill refers to "are more effective when they ensure that children"; the Senate amendment refers to "are effective when children".

Legislative counsel.

35. The House bill refers to "effective regular school programs"; the Senate amendment refers to "quality regular school programs".

The Senate recedes with an amendment inserting "high-quality" before "regular school".

36. The House bill, but not the Senate amendment, states that the disproven theory that children must first learn basic skills before engaging in more complex tasks continues to dominate strategies for classroom instruction, resulting in emphasis on repetitive drill and practice at the expense of content-rich instruction, accelerated curricula, and effective teaching to high standards.

The House recedes.

37. The House bill, but not the Senate amendment, states that insufficient attention and resources are directed toward the effective use of technology in schools and the role it can play in professional development and improved teaching and learning.

The Senate recedes.

38. The House bill refers to giving schools the "responsibility"; the Senate amendment refers to giving schools the "authority".

The House recedes.

39. The House bill refers to "bringing children to high levels of performance and schools accept the responsibility to do so"; the Senate amendment refers to "bringing their children to high levels of performance".

The House recedes.

40. The House bill refers to "public charter schools"; the Senate amendment refers to "charter schools".

The Senate recedes.

41. The House bill refers to "can be better targeted"; the Senate amendment refers to "have not been adequately targeted".

The Senate recedes.

42. The House bill refers to "local educational agencies"; the Senate amendment refers to "school districts".

The Senate recedes.

43. The Senate amendment, but not the House bill, states that piecemeal reform, particularly when not tied to an overall vision of teaching to, and helping all children reach, high standards, does not work.

The Senate recedes.

44. The Senate amendment, but not the House bill, states that equitable and sufficient resources, particularly as such resources relate to the quality of the teaching force, have an integral relationship to high student achievement.

The House recedes.

45. The House bill states that it is the purpose of this title to enable schools to provide opportunities for children to "acquire the knowledge and skills contained in the rigorous State content standards and to meet the challenging State performance standards developed for all children under the Goals 2000: Educate America Act or, in their absence, under this title"; the Senate amendment states that it is the purpose of this title to enable schools to provide opportunities for children to "acquire the same basic and advanced skills and knowledge as children not served under this title".

The Senate recedes with an amendment deleting "under the Goals 2000: Educate America Act or, in their absence, under this title."

46. The House bill refers to "high standards for all children"; the Senate amendment refers to "high standards".

The Senate recedes.

47. The Senate amendment, but not the House bill, states that an enriched and accelerated educational program can include, when appropriate, the use of the arts and humanities.

The House recedes with an amendment striking "and humanities".

48. The House bill, but not the Senate amendment, states that instruction through schoolwise programs or additional services should be provided so that children served under title I receive at least the classroom instruction that other children receive.

The Senate recedes.

49. The House bill refers to "ensuring access of children"; the Senate amendment refers to "access of children".

The Senate recedes.

50. The House bill refers to "content that includes intensive"; the Senate amendment refers to "content that support intensive".

The Senate recedes.

51. The House bill refers to "curricula and instruction"; the Senate amendment refers to "instruction".

The House recedes.

52. The House bill refers to "intensive and sustained professional development"; the Senate amendment refers to "ongoing professional development".

The Senate recedes.

53. The House bill refers to "schools where needs are greatest"; the Senate amendment refers to "areas where needs are greatest".

The Senate recedes with an amendment to add "areas and" before "schools".

54. The House bill refers to "how well children are achieving"; the Senate amendment refers to "how well children served under this title are achieving".

The House recedes.

55. The House bill refers to "high State standards of performance"; the Senate amendment refers to "high State student performance standards".

The House recedes.

56. The House bill refers to "schools and teachers"; the Senate amendment refers to "schools".

The Senate recedes.

57. The Senate amendment, but not the House bill, states that the purpose of the title shall be accomplished by encouraging the development of innovative models for recruitment, induction, retention, and assessment of new, highly qualified teachers, especially teachers from historically underrepresented groups.

The Senate recedes.

Authorization of Appropriations

58. The House bill, but not the Senate amendment, includes the phrase "Appropriations are authorized for the following programs and activities under this title:".

Legislative counsel.

59. The House bill authorizes $7,400,000,000 to be appropriated for FY 1995 to carry out Part A of this title except for School Improvement and Capital Expenses; the Senate amendment authorizes $7,500,000,000 to be appropriated for FY 1995 to carry out Part A of this title except for Capital Expenses.

The Senate recedes.

Technical Note: Throughout the Authorization of Appropriations section, the House bill refers "part of this title" and to "of the fiscal years 1996, 1997, 1998, and 1999"; the Senate amendment refers to "part " and to "of the 4 succeeding fiscal years".

60. The House bill authorizes $118,000,000 to be appropriated for FY 1995 for the Even Start program; the Senate amendment authorizes $120,000,000 to be appropriated for FY 1995 for the Even Start program.

The Senate recedes.

61. The House bill entitles the paragraph as "Prevention and Intervention Services for Delinquent Youth and Youth At Risk of Dropping Out"; the Senate amendment entitles the paragraph as "Education for Neglected or Delinquent Youth".

The Senate recedes with an amendment changing the title to "Prevention and Intervention Programs for Youth Who Are Neglected, Delinquent, Or At Risk of Dropping Out".

62. The House bill authorizes $41,434,000 to be appropriated for FY 1995 for Capital Expenses; the Senate amendment authorizes $45,000,000 to be appropriated for FY 1995 for Capital Expenses.

The Senate recedes.

63. The House bill, but not the Senate amendment, authorizes $30,000,000 to be appropriated for FY 1995 for School Improvement activities, and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

The Senate recedes with an amendment to insert "providing additional needed assistance to" after the words "of carrying", striking from "$30,000" to the end of the sentence and replacing it with "such sums for FY 1996-1999." It is the conferees intent that states have the authority to reserve .5% of their states Title I appropriation as provided for in the state administration section of this bill at the end of Title I. However, the conferees want to ensure that there are sufficient funds to carry out the program improvement requirements in this Act and are unsure whether .5% of a states Title I funds will be adequate during the entire reauthorization period. Thus, if states determine that such reserve is insufficient, states may request additional funds from Congress through the appropriation process.

64. The Senate amendment, but not the House bill, entitles the paragraph as "Section 1601".

Legislative counsel.

65. The House bill authorizes $9,000,000 to be appropriated for FY 1995 for Federal Evaluation activities; the Senate amendment authorizes $10,000,000 to be appropriated for FY 1995 for Federal Evaluation activities.

The Senate recedes.

66. The Senate amendment, but not the House bill, entitles the paragraph as "Section 1602".

Legislative counsel.

67. The House bill authorizes $20,000,000 to be appropriated for FY 1995 for Federal Demonstrations of Innovative Practices and for Innovative Elementary School Transition Projects; the Senate amendment authorizes $20,000,000 to be appropriated for FY 1995 for Federal Demonstrations of Innovative Practices.

The Senate recedes with an amendment changing the amount authorized to be appropriated in fiscal year 1995 from $20,000,000 to $50,000,000.

State Plans

68. The House bill titles Part A "Basic Programs Operated by Local Educational Agencies"; the Senate amendment entitles Part A "Making High Poverty Schools Work."

The Senate recedes with an amendment inserting "Improving" before "Basic."

69. The Senate amendment, but not the House bill, has a paragraph heading "In General."

Legislative counsel.

70. The Senate amendment, but not the House bill, specifies that "pupil services personnel" and "other staff" be included on the list of groups to be consulted with in the development of the state plan.

The House recedes.

71. The Senate amendment, but not the House bill, requires the State plan to satisfy the requirements of this section.

The House recedes.

72. The House bill, but not the Senate amendment, provides that the state plan be integrated with, and satisfy requirements of this section not already addressed in, the States Goals 2000 plan, and with other state plans, if any, under the School-to-Work Opportunities Act and the Perkins Act to the extent these plans have not already been incorproated into the states Goals 2000 plan.

The Senate recedes with an amendment inserting before the period at the end of paragraph (1) "and that is coordinated with other programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, as specified in section 14306."

73. The House bill, but not the Senate amendment, provides that, if a state does not have or is not developing, a Goals 2000 plan, the state plan be integrated with other state plans under this Act, and other plans including the School-to-Work Opportunities Act and the Perkins Act, where such plans exist, and satisfies the requirements of the section.

The House recedes.

74. Both the House bill and Senate amendment provide that the state plan may be submitted as part of a consolidated application with different cross references. The Senate amendment has a paragraph heading.

Legislative counsel.

75. The House bill, but not the Senate amendment, provides that a state may satisfy the requirements of this section by referencing applicable sections of its approved plan under Goals 2000.

The House recedes.

76. The Senate amendment, but not the House bill, has a paragraph heading.

Legislative counsel.

77. The House bill provides that the state plan shall "demonstrate" that the state has developed or adopted "high-quality standards" for "children served under this title" that will be used to carry out this Act; the Senate amendment provides that the state plan shall "describe" the high-quality "academic" standards for "all" children "in subjects determined by the state" that will be used to carry out this "part."

The Senate recedes with an amendment inserting "academic" after "high quality" to clarify that if states have content standards or student performance standards developed under Title III of the Goals 2000: Educate America Act, or some other process, those are the standards to be used in Title I program; and to clarify that "states shall not be required to submit such standards to the Secretary."

78. The House bill says that the standards be as challenging and of the same high quality as they are for all children; the Senate amendment says that for those subjects for which the state does not have standards and students are served under this part, describe a process for ensuring that such students are taught the same knowledge and skills and held to the same expectations as all children.

The Senate recedes with an amendment clarifying that states that have not adopted standards under Goals 2000, or another process must develop student content and student performance standards including at least mathematics and reading and language arts for children served in Title I programs which shall include the same knowledge, skills, and levels of performance expected of all children.

79. The House bill, but not the Senate amendment, provides that the standards in the state plan include challenging content standards in the core academic subjects and lists three characteristics of the content standards.

The Senate recedes with an amendment striking "in the core academic subjects" and inserting "academic" before "content standards" and striking "emphasizes" and inserting "encourages."

80. The House bill, but not the Senate amendment, says that the State plan include challenging performance standards aligned with the States content standards.

The Senate recedes with an amendment to add "student" before "performance standards".

81. The House bill says that the performance standards describe two levels of high performance for determining how well children "served under this title" are mastering the material in the content standards; the amendment says state plans shall describe two levels of high performance that will determine how well children are mastering the material in the "State" content standards.

The Senate recedes with an amendment striking "served under this title" and inserting "State" before "content standards".

82. The House bill says that performance standards in the state plan include a "third benchmark below proficient, if necessary," to provide complete information about the progress of children toward achieving the "high" proficient and advanced performance standards; the Senate amendment says that the state plan describe a "third level, partially proficient" to provide complete information about the progress of children toward achieving the "proficient and advanced level of performance".

The House recedes.

83. The House bill provides for the development of model opportunity-to-learn standards for schools receiving assistance under this title and specifies three factors that the standards are to address; the Senate amendment provides that the state plan describe the steps the State will take to help each LEA and school affected by the State plan develop the capacity to comply with the requirements of sections 1112(c), 1114(b), 1115(c) that are applicable to such agency or school.

The House recedes with the following amendment:

"(iii) how the State will help each local educational agency and school affected by the State plan develop the capacity to comply with each of the requirements of sections 1112(c)(3), 1114(b), and 1115(c) that is applicable to such agency or school;" and

(iv) such other factors the State deems appropriate (which may include opportunity to learn standards or strategies developed by such state under Public Law 103-227) to provide students an opportunity to achieve the knowledge and skills described in the challenging content standards adopted by the State;"

84. The Senate amendment, but not the House bill, says that if a state has content or performance standards developed under Title III of Goals 2000 or an aligned set of assessments for all students developed under such title or adopted under another process, the state shall use those standards or assessments, modified if necessary, to conform with the requirements of paragraphs (1)(A)(i), (2), and (3). House has the identical provision see note 108.

The House recedes.

85. The House bill provides for the State plan to include a schedule for the development of standards for core academic subjects where the state does not have such standards which includes the completion of standards in mathematics and reading/language arts by the end of the interim period described in paragraph (6); the Senate amendment provides that if a state does not have state content and state student performance standards for all students, the plan shall include a strategy for developing such standards for elementary and secondary students served under this part in subjects determined by the State, including at least mathematics, and reading or language arts which shall include the same knowledge, skills and levels of performance expected of all children.

The House and Senate recede with amendment to clarify that states are to have 1 year to develop standards in mathematics and reading and language arts, if they do not already have such standards.

86. The Senate amendment, but not the House bill, requires the plan to include, for those subjects in which a state will not develop standards for students served under this part, a strategy for developing a process for ensuring that such students are taught the same knowledge and skills and held to the same expectations as all children.

The House and Senate recede with amendment clarifying that for those academic subjects for which states are not required to develop standards, the plan shall include a strategy for ensuring that Title I students are held to the same expectations as all students.

87. The House bill provides that the state plan shall "demonstrate" what constitutes adequate yearly progress of any school served under this part toward enabling children to meet the States "proficient and advanced" performance standards; the Senate amendment has a paragraph heading and provides that the state plan contain a "description of" what constitutes adequate yearly progress of any school served under this part towards enabling "all" children to meet the States "student performance standards."

The Senate recedes with an amendment inserting "student" before "performance standards".

88. The House bill says that the state plan shall demonstrate what constitutes adequate yearly progress of any local educational agency that receives funds under this part toward enabling "children in schools receiving assistance under this part" to meet the States " roficient and dvanced performance standards"; the Senate amendment requires a description of what constitutes adequate yearly progress for any local educational agency that receives funds under this part towards enabling "all children within its jurisdiction" to meet the States "student performance standards."

The Senate recedes.

89. The House bill, but not the Senate amendment, provides that adequate yearly progress be defined in a manner that is consistent with criteria of general applicability established by the Secretary.

The Senate recedes with an amendment replacing "criteria of general applicability" with "guidelines."

90. The House bill provides that adequate yearly progress results in continuous improvement for economically disadvantaged, limited-English proficient, and all students under this title in each school and local educational agency toward the goal of all children under this title meeting the States challenging "advanced" performance standards; the Senate amendment provides that adequate yearly progress result in continuous improvement of each local educational agency and school sufficient to achieve the goal of all children served under this part meeting the states proficient and advanced level of performance, particularly eligible children described in section 1115(b).

The House recedes with an amendment striking "eligible children described in section 1115(b)" and inserting "economically disadvantaged and limited-English proficient children."

91. The House bill, but not the Senate amendment, provides that adequate yearly progress link progress primarily to performance on assessments but permits progress to include the use of other outcome-based measures such as reductions in drop-out rates.

The Senate recedes with an amendment to strike "outcome-based" and putting a period after "measures". It is the intent of the Managers that the term "other measures" may include indicators such as rates of attendance, graduation, school-to-work or school-to-college transition, and dropout rates.

92. The House bill provides that the state plan demonstrate that the State has developed or adopted a set of high-quality, yearly student assessments; the Senate amendment provides that the state plan include a description of such assessments including at least mathematics, and reading or language arts and has a paragraph heading.

The Senate recedes with an amendment inserting "including at least mathematics, and reading or language arts,"

93. The House bill provides that the assessments shall be the primary means of determining the yearly performance of each local educational agency and school "receiving assistance" under this part in enabling children served under this title to meet the states performance standards; the Senate amendment provides that the assessments be used in each local educational agency and school "served" under this part; enable "all" children served under this part to meet the States "student" performance standards".

The House recedes.

94. The House bill provides that assessments be challenging and of the same high quality as they are for all children; the Senate amendment provides that the assessments be the same assessments used to measure the performance of all children, if the state measures the performance of all children.

The House recedes.

95. The House bill provides that assessments be aligned with the States challenging content and performance standards and provide coherent information about student attainment of standards; the Senate amendment provides that assessments be aligned with State content standards where such standards have been developed and be capable of providing coherent information about student attainment relative to the State content standards (See Senate subparagraph (F) on next page.

The Senate recedes.

96. The House bill says that assessments be used for purposes for which they are valid and reliable and be consistent with nationally recognized standards; the Senate amendment has a similar provision but also says that assessment measures that are not valid and reliable or that do not meet nationally recognized standards for assessments may be used as one of the multiple measures dentical provision see note 89.

The House recedes.

97. The House bill provides that assessments measure the student proficiency in core academic subjects in which the State has adopted standards and be administered at some time during grades 3-5, grades 6-9, and grades 10-12; the Senate amendment in paragraphs (3) provides that assessments be in at least one grade in each school.

The Senate recedes with an amendment to strike "core" before "academic".

98. The House bill provides that assessments be comprised of multiple, up-to-date measures of student performance; the Senate amendment provides that assessments involve multiple measures of students performance, including measures that assess higher order thinking skills and understanding.

The House recedes with an amendment incorporating the term "up-to-date".

99. The House bill provides that limited-English proficient students be included in assessments and describes how such students shall be assessed; the Senate amendment says that the assessments provide for the participation of all students with diverse learning needs and the adaptations necessary to permit such participation.

The House recedes with amendments striking "with diverse learning needs: in (i), modifying (ii) to read "the reasonable adaptations and accommodations for students with diverse learing needs to measure the achievement of such students relative to the state student content standards;" and adding a new (iii) incorporating the language from the House bill concerning limited-English proficient students.

100. The House bill provides that assessments include students who have resided in the local educational agency for a full academic year but have not attended a single school for a full year and specifies that the scores of such students may only be used to determine the progress of the local educational agency; the Senate amendment contains similar language with the additional provision that student scores shall be used only in determining the progress of the local educational agency unless the states determine otherwise.

The Senate recedes.

101. The House bill provides in that students with disabilities be included in assessments, describes how such students be assessed, and exempts students with severe cognitive impairments who permanently lack the capacity to make any educational progress from the assessment process; the Senate amendment in subparagraph (D) says assessments must provide for the participation of all students with diverse learning needs and the adaptations and accommodations to permit such participation.

The House recedes.

102. The House bill provides that assessments provide individual student scores; the Senate amendment provides that assessments provide individual student interpretative and descriptive reports, which may include scores and other information on the attainment of student performance standards.

The House recedes with amendments changing "may" to "shall" and "and" to "or".

The Conferees believe that it is critical that all students including those with disabilities participate in assessments. The Bill includes provisions for the participation of all students with diverse learning needs and the adaptations and accommodations necessary to permit such participation. The Conferees emphasize the importance of these provisions because of evidence of considerable exclusion of students with disabilities from national and state data collection programs. It is currently estimated that the National Assessment of Educational Progress excludes 50% of students with disabilities.

Based on evidence from states such as Kentucky, Maryland, and others the Conferees believe that all children can participate in assessment efforts. Most students (over 98% in Kentuckys experience) will be able to participate in the regular assessment provided to non-disabled children with accommodations such as extended time limits, use of large print or braille versions of assessments, or use of a reader, scribe, sign language interpreter, or technology. The remainder may need adaptations to participate such as the use of information provided by an individual who has extensive knowledge of the students performance or portfolio assessments which permit students to demonstrate their educational proficiency.

The Conferees also believe that the IEP, required by Part B of IDEA, serves as an excellent source for identifying the necessary adaptations and accommodations for students with disabilities to fully participate in assessments. The supports provided in the instructional environment will also serve the student in the assessment process and will help provide valid information on student progress and achievement.

Further, in respect to content and performance standards, the Conferees believe that high expectations are needed for all students including children with disabilities. However, the Conferees believe that a range of individual performance will result even when students achieve the high expectations that are set for them.

Therefore, the Bill acknowledges the need to recognize these functional differences, yet maintain high expectations. The IEP, required by Part B of IDEA, provides one mechanism for establishing goals and objectives that are individually determined, represent high expectations and that acknowledge a students unique learning characteristics and current level of performance.

103. The House bill specifies that assessments provide for disaggregated results within each state, local educational agency, and school of students by gender, racial and ethnic group, by English proficiency, and by economic disadvantage compared to those who are not economically disadvantaged; the Senate amendment specifies that assessments provide statistically reliable results for economically disadvantaged children disaggregated by gender, racial and ethnic group, "limited-English proficient children, children with disabilities, migratory children, and other educational meaningful categories of children."

Senate recedes with amendments changing the language to read "enable results to be disaggregated" and adding "migrant children and children with disabilities".

104. The Senate amendment, but not the House bill, provides that assessments support effective curriculum and instruction.

The Senate recedes.

105. The Senate amendment, but not the House bill, says that assessments given in grade one, two and three be developmentally appropriate. The House bill does not authorize assessments below grade 3.

The Senate recedes.

106. The Senate amendment, but not the House bill, says each plan may include a description of other indicators that will be used in addition to assessments in determining the yearly performance of each local educational agency and school served under this part and lists examples of indicators.

The Senate recedes.

107. The House bill, but not the Senate amendment, provides that state plans identify languages other than English that are present in the participating student population, make every effort to develop such assessments, notify the Secretary if linguistically-assessable assessments are needed, and the Secretary shall assist in the identification of assessment measures in the needed languages.

The Senate recedes with amendments striking "shall notify" and inserting "may request assistance from", and striking "notification" and inserting "request".

108. The House bill, but not the Senate amendment, says that if a state has content and performance standards and an aligned set of assessments for all students developed under Goals 2000 or another process, the state shall use those standards, modified if necessary. The Senate has the identical provision see note 89.

The House recedes.

109. The House bill, says that if a state does not have challenging performance standards after 2 years, or assessments that meet the requirements of paragraph (3) after 3 years, the state shall adopt a set of standards and assessments contained in other state plans the Secretary has approved and may propose an interim set of yearly statewide assessments; the Senate amendment contains a similar provision with a paragraph heading and with the additional requirements that: allow States to use for a period of not more than two years transitional assessments including at least mathematics, and reading or language arts, in one grade in each school may be proposed for 2 years.

The House recedes with amendments redrafting the provision to provide that states that do not have assessments that meet the requirements of paragraph (3) shall have 3 years to develop such assessments and 1 year to field test them.

110. The Senate amendment, but not the House bill, says that states using transitional assessments shall develop benchmarks of progress for the development of assessments that meet the requirements of paragraph (3).

The House recedes.

111. The Senate amendment, but not the House bill, says that the Secretary may extend the use of transitional assessments for 2 additional years upon the request of a state.

The House recedes with an amendment providing that states may have one additional year for field testing assessments to correct problems identified in the preliminary field tests.

112. The Senate amendment, but not the House bill, says that a state that is denied an extension or a state that receives an extension but after 2 additional years still does not have state content and performance standards or assessments shall adopt a set of such standards and assessments such as those contained in other state plans the Secretary has approved.

The House recedes with an amendment to provide that if states do not have challenging content and student performance standards and assessments that meet the requirements of paragraph (3) by a time certain, they are to adopt such standards and assessments from another source such as another states plan which has been approved by the Secretary.

113. The House bill provides that for any year during which a state is using an interim assessment system, the State shall devise a means for identifying schools and local educational agencies in need of improvement; the Senate amendment contains a similar provision using the term "transitional assessments" except that a state is to devise a "procedure" for identifying local educational agencies and schools in need of program improvement (different section references) that is to rely on accurate information about the academic progress of each such local educational agency and school.

The House recedes. The Managers intend that a State is to devise a procedure for identifying local educational agencies and schools in need of program improvement that relies on accurate information about the academic progress of each local educational agency and school that includes information from at least one transitional assessment that yields consistent results that accurately reflect what the assessments system was designed to measure.

114. The House bill provides that the state plan describe the means by which the State educational agency will work with other agencies, including educational service agencies or other local consortia to provide technical assistance to local educational agencies and schools and to carry out the State educational agencys responsibilities under this part including assistance in providing high quality professional development; the Senate amendment provides that the state plan "contain assurances" that the State will implement a system of school support teams including the provision of necessary professional development for such teams.

The House recedes with an amendment combining the provisions and inserting "technical" before "assistance" and deleting "high quality" before "professional development" in the House language.

115. The House bill, but not the Senate amendment, provides that states should consider providing technical assistance and professional development through educational service agencies, where they exist, and through cooperative agreements such as a consortia of local educational agencies where educational service agencies do not exist.

The Senate recedes with an amendment to make this an assurance.

116. The House bill, but not the Senate amendment, says that the state plan describe the measure of poverty local educational agencies will use which shall include certain factors.

The House recedes.

117. The House bill says the state plan describe how the State educational agency will notify local educational agencies and the public of the standards and assessments developed under this section, and of the authority to operate schoolwide programs, and other factors related to school improvement including the corrective actions it will take under section 1116(d)(6); the Senate amendment says that the state plan contain assurances that the State educational agency will fulfill is local educational agency and school improvement responsibilities under section 1118.

The Senate recedes with amendments striking "how" and moving this language to the list of assurances; and "including actions it will take under section 1116(d)(6)" and inserting "and such corrective actions as are necessary".

118. The Senate amendment, but not the House bill, says the plan provide assurances that the SEA will provide the least restrictive and burdensome regulations for LEAs and schools participating under this part.

The House recedes.

119. The House bill says the state plan is to "describe" how the state educational agency will encourage the use of other funds for schoolwide reform in schoolwide programs; the Senate amendment says the plan is to contain assurances for the same activity.

The House recedes.

120. The House bill, but not the Senate amendment, says the state plan is to describe how the Committee of Practitioners was involved in the development and will be involved in monitoring the implementation of the state plan.

The Senate recedes with an amendment to strike "how" and move to the assurances.

121. The House bill, but not the Senate amendment says the state plan describe how the state educational agency will assess the needs of local educational agencies serving rural areas and the plans the State educational agency has to meet those needs.

The House recedes.

122. The House bill, but not the Senate amendment, says the plan is to describe how the state educational agency will encourage cooperative education, mentoring, and apprenticeship programs involving business and industry.

The House recedes.

123. The House bill, but not the Senate amendment, says the state plan is to describe how the state will coordinate activities funded under this part with school-to-work and vocational education programs as appropriate.

The Senate recedes with an amendment moving to the list of assurances and adding "cooperative education, mentoring, and apprenticeship programs involving business and industry" after "programs" in number (8).

124. The House bill provides that the Secretary establish a peer review process to assist in the review of state plans; the Senate amendment has a paragraph heading and provides that the peer review process assist in the "review and recommendations for revision" of state plans.

The House recedes.

125. The House bill, but not the Senate amendment, provides that the peer review process include representatives of state educational agencies, local educational agencies, teachers, and parents.

The Senate recedes.

126. The House bill requires the Secretary to approve plans that meet the requirements of subsection (a) (b) and (c). The Senate amendment requires the Secretary to approve plans that meet the requirements of subsections (b) and (c).

The Senate recedes.

127. The House bill requires the Secretary to notify states whose plans do not meet the requirements of subsections (a), (b), or (c) of the determination and the reasons for it; the Senate amendment contains a similar provision but references only subsections (b) and (c).

The Senate recedes.

128. The House bill provides that the Secretary shall not decline to approve a plan before offering the state an opportunity to revise the plan or application, provide technical assistance to meet the requirements of subsections (a), (b), and (c), and a hearing; the Senate amendment provides that the Secretary shall not "finally disapprove" a plan before offering the State an opportunity for revision and technical assistance to meet the requirements of subsections (b) and (c).

The Senate recedes.

129. The Senate amendment, but not the House bill, provides that the Secretary may not require a state, as a condition of Secretarial approval, to include or delete from its plan one or more element of the states content standards or to use specific assessment instruments or items.

The House recedes with an amendment inserting "Have the authority to disapprove a state plan for not meeting the requirements of this part, but shall" at the beginning of (E).

130. The House bill provides that the Secretary may withhold funds until determining that a plan meets the requirements of this section, but may not withhold funds on the basis of the States opportunity-to-learn standards. The Senate amendment has a paragraph heading and provides that the Secretary may withhold state administrative and other funds until determining that the state plan meets the requirements of this section.

The House recedes.

131. The House bill says significant changes in the state plan such as the adoption of new "content and performance standards" be submitted to the Secretary for approval; the Senate amendment is similar but has paragraph headings and refers to "state content standards and state student performance standards".

The House recedes.

132. The House bill, but not the Senate amendment, says nothing in this Act shall be construed to authorize any federal official to mandate, or control a state, local educational agency, or schools specific instruction content, pupil performance standards and assessments, curriculum or program of instruction in order to be eligible to receive funds.

The Senate recedes with an amendment to strike "how", move to the list of assurances, and to insert "opportunity to learn standards or strategies" after "assessments".

133. The House bill, but not the Senate amendment, says notwithstanding any other provision of this Act the implementation of model opportunity-to-learn standards shall be voluntary.

The Senate recedes with the following amendment:

"Nothing in this Act shall be construed to require any State or local educational agency or school to implement opportunity to learn standards or strategies developed by such State under Public Law 103-227."

134. The House bill, but not the Senate amendment, says nothing in this title shall be construed to authorize any federal official to mandate or control a state, local educational agency, or schools opportunity-to-learn standards as a condition of eligibility to receive funds under this title.

The House recedes.

135. The House bill, but not the Senate amendment, says nothing in this section shall be construed to create a legally enforceable right based on opportunity-to-learn standards.

The House recedes.

136. The House bill, but not the Senate amendment, says nothing in this section shall be construed to mandate equalized spending.

The House recedes.

137. The House bill, but not the Senate amendment, requires that nothing in this section shall be construed to mandate national school building standards.

The House recedes.

138. Both the House bill and Senate amendment say that if they do not already do so, aggregate state expenditures for the operation of elementary and secondary programs must equal or exceed the level of federal expenditures for the operation of such programs by a time certain with technical differences in the Senate amendment including entitling the subsection "Special Rule", referring to "elementary and secondary education programs in the State" and "October 1, 1998".

Legislative counsel.

Local Educational Agency Plans.

139. Both the House bill and Senate amendment provides that local educational agencies must have a plan on file with, and approved by, the State educational agency which may be submitted as part of a consolidated application with a minor technical difference.

Legislative counsel.

140. The House bill, but not the Senate amendment, says that the plan be integrated with the local educational agencys Goals 2000 plan.

The Senate recedes with an amendment striking (A) and (B) and inserting "is coordinated with other programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, as specified in section 14306."

141. The House bill, but not the Senate amendment, says that the plan be integrated with local plans, if any, under the School-to-Work Opportunities Act and the Perkins Act, to the extent they are not already incorporated into the states Goals 2000 plan.

The House recedes.

142. The House bill, but not the Senate amendment, says if the local educational agency does not have a Goals 2000 plan, the plan be integrated with other plans under this Act, School-to-Work and Perkins where such plans exist, and satisfies the requirements of this section.

The House recedes.

143. Both the House bill and Senate amendment allow the plan to be submitted as part of a consolidated application with minor technical differences and different reference cites.

Legislative counsel.

144. The House bill, but not the Senate amendment, provides that a local educational agency may satisfy the requirements of this section by referencing applicable parts of their Goals 2000 plan.

The House recedes.

145. The House bill entitles subsection (b) "Standards and Assessment Provisions;" the Senate amendment entitles this subsection "Plan Provisions" and has a paragraph heading.

Legislative counsel.

146. The House bill, but not the Senate amendment, provides that the plan include a description of any content and performance standards in the core subjects, in addition to those adopted by the State under section 1111, that the local educational agency expects children served under this title to meet.

The House recedes.

147. The House bill, but not the Senate amendment, provides that the plan include a description of what constitutes adequate yearly progress if a local educational agency elects to establish more stringent measures than those in the State plan.

The House recedes.

148. The House bill says that the plan include a description of additional high quality student assessments, if any, other than those in the state plan, that the local educational agency will use to determine the success of children served under this title in meeting state performance standards; the Senate amendment contains a similar provision stating that the assessments be used to "provide information to teachers, parents, and students on the progress being made toward meeting state performance standards.

The Senate recedes with an amendment inserting before the semicolon at the end of (A) "and provide information to teachers, parents, and students on the progress being made toward meeting the State student performance standards described in section 1111 (b)(2)(A)".

149. The House bill provides that additional assessments assist in diagnosis, teaching and learning in the classroom in ways that best enable children served under this title to meet state standards and do well in the local curriculum and be used to determine what revisions are needed to projects under this part so that such children will meet the states performance standards; the Senate amendment provides that such assessments "aid in instruction, in improving the performance of individual students, and in revising the local educational agencies or schools instructional program to enable all children served under this part to meet state performance standards."

The Senate recedes.

150. The Senate amendment, but not the House bill, provides that additional assessments be selected and administered by teachers.

The Senate recedes.

151. The Senate amendment, but not the House bill, provides that assessments be aligned with curriculum, and constitute an integral part of the instructional program.

The Senate recedes.

152. The Senate amendment, but not the House bill, provides that the plan include, at that local educational agencys discretion, other indicators that will be used in addition to assessments for the uses described in clause (i) and lists examples of such indicators.

The House recedes with an amendment deleting the illustrative examples of "other indicators". It is the intent of the Managers that the term "other measures" may include indicators such as rates of attendance, graduation, school-to-work or school-to-college transition, and dropout rates.

153. The House bill has a subsection heading and provides that, to ensure high-quality instruction to enable participating children to meet the states performance standards a coherent strategy for intensive and sustained professional development for teachers, administrators, and other staff including staff of such agency, in accordance with section 1119; the Senate amendment requires a description of the strategy the local educational agency will use to provide ongoing professional development for the same groups plus pupil services personnel, and parents.

The House recedes with amendments inserting "where appropriate" before "pupil services personnel", and a cross-reference to section 1119.

154. The Senate amendment provides that the professional development take into account needs and activities across and within schools, and draws on resources from multiple resources. The House bill has a similar provision under its Professional Development section.

The Senate recedes.

155. The House bill provides that the plan describe how local educational agencies will notify schools of the authority to operate schoolwide programs; the Senate amendment has a subsection heading and requires an assurance that the local educational agency will inform eligible schools and parents of schoolwide project authority and provide technical assistance to schoolwide programs.

The House recedes.

156. The House bill provides that the plan describe how local educational agencies will work with schools as they develop their plans, and assist schools in implementing their schoolwide and targeted assistance plans so that each school can make adequate yearly progress toward meeting State standards, and fulfill its school improvement responsibilities including the corrective actions it will take under section 1116. The Senate amendment requires an assurance that the local educational agency will work with schools in the development and implementation of their schoolwide and program improvement plans so that each school can make progress toward meeting "state content standards and state student performance standards;" and fulfill its school improvement responsibilities with a different section reference.

The Senate recedes with an amendment inserting "State content standards and State student performance standards" and moving (c) to the assurance list.

157. The House bill provides that the plan describe how the local educational agency will coordinate and integrate services provided under this part with other educational services including Even Start, Head Start, other preschool programs including plans for the transition of participants in such programs to other programs, vocational education and school-to-work transition programs; the Senate amendment contains similar language requiring assurances for the coordination and integration of services under this part with a similar list of programs but does not include transition or vocational education programs.

The Senate recedes with an amendment to strike "including plans" and inserting "such as plan".

158. The House bill provides that the plan describe how the local educational will coordinate services with services for children with limited English proficiency or disabilities, migratory children including those previously eligible for services under Part C, in the 2 year period prior to the enactment of this title, delinquent youth and youth at risk of dropping out, homeless children, and immigrant children, to increase program effectiveness, eliminate duplication, and reduce fragmentation of childrens instructional programs; the Senate amendment requires an assurance for coordination with such programs but does not include services for children formerly eligible for migrant education and refers to "neglected or delinquent children."

The Senate recedes with an amendment adding "neglected and" before "children".

159. The House bill provides that the plan describe how the local educational agency will coordinate and collaborate with other agencies providing services to children, youth and families, including health and social services; the Senate amendment says that the local educational agency provide assurances that it will coordinate and collaborate to the extent feasible with such agencies and with school-based pupil services personnel where appropriate.

The House recedes with an amendment deleting "school-based pupil services personnel, where appropriate".

160. Both the House bill and Senate amendment say the plan shall include a description of the poverty criteria that will be used to select school attendance areas with technical differences.

Legislative counsel.

161. The House bill refers to the multiple criteria that will be used by targeted assistance schools to identify children eligible for services under this part; the Senate amendment refers to how teachers, in consultation with others, in targeted assistance schools, will identify those children most in need of services under this part.

The House recedes.

162. The House bill refers to the nature of programs to be conducted by schools under section 1114 and 1115 and services for children living in institutions for neglected and delinquent children; the Senate amendment refers to a "general description of" the nature of these programs "and where appropriate educational" services for children in institutions for neglected and delinquent children, and "for neglected and delinquent children in community day school programs".

The House recedes.

163. The House bill, but not the Senate amendment, provides that the plan describe how the local educational agency will ensure that migratory and formerly migratory children are selected to receive such services on the same basis as other children who are selected to receive services under this part.

The Senate recedes.

164. The House bill refers to how a school that plans to serve children through Head Start or Even Start will use funds to expand such programs or increase the level of service to children presently being served; the Senate amendment provides that the plan include a description of how the local educational agency, where appropriate, will use funds to support preschool programs for children, particularly children participating in Head Start or Even Start, and that such services may be provided directly by such agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services, or another comparable public early childhood development program.

The House recedes with an amendment adding "agencies operating an Even Start program" after "Head Start Act".

165. The House bill says the plan shall include a description of how the local educational agency will provide services to eligible children attending private elementary and secondary schools; the Senate amendment says that the local education agency provide an assurance that it will serve such children and has a different cross reference and other technical differences.

The House recedes.

166. The House bill, but not the Senate amendment, provides that the local educational agency describe the number of schoolwide programs that will be operating in such agency.

The House recedes.

167. The Senate amendment, but not the House bill, says that the plan provide assurances that the local educational agency will give priority to serving students in the earlier grades of schools that receive funds under this part.

The House recedes with an amendment revising the provision to read "take into account the experience of model programs for the disadvantaged, the findings of relevant research, that services may be most effective if focused on pupils in the earliest grades of school that receive funds under this part".

168. The Senate amendment, but not the House bill, provides that local educational agency provides assurances that, where appropriate and feasible, it will establish a procedure to ensure that all children in participating elementary schools receive two health screenings during their elementary school years.

The Senate recedes.

169. The Senate amendment, but not the House bill, says that the plan provide assurances that in the case that a state uses funds to provide early childhood services to low-income children below the age of compulsory school attendance, ensure that those services comply with the Head Start performance standards.

The Senate recedes.

170. The Senate amendment, but not the House bill, provides that the local educational agency describe how, where appropriate and feasible, it will use funds to reduce class size to 15 students.

The Senate recedes.

171. The Senate amendment, but not the House bill, provides that local educational agency plans be filed according to a schedule established by the State educational agency and that such plan shall be approved within 2 years of the date of enactment of the IASA.

The House recedes with amendments inserting "not more than 1 year from the date of enactment of the Improving Americas Schools Act to have such plan provisionally approved by the State educational agency and" before "not" and "finally" before "approved".

172. The House bill provides that local educational agency plans be developed in consultation with teachers, including vocational teachers where appropriate; the Senate amendment provides that the plan be developed in consultation with teachers, pupil services personnel and has other minor technical differences.

The Senate recedes with an amendment inserting "pupil services personnel" after "teachers,".

173. The House bill provides that the state educational agency shall approve a local plan if the plan will enable schools served under this part to help children served under this title to meet the States challenging performance standards expected of all children; the Senate amendment contains a similar provision except it refers to helping "all" children served "under this part" to meet the standards "described in section 1111(b)(1)" and has other technical differences.

The House recedes with an amendment inserting "expected of all children" before "described".

174. The House bill, but not the Senate amendment, provides that the state educational agency shall review the local plan to determine if the professional development activities are in accordance with section 1119.

The Senate recedes.

175. The House bill refers to the shared responsibility of schools, teachers, and the local educational agency in making decisions under sections 1114 and 1115; the Senate amendment refers to the shared responsibilities of the local educational agency and schools.

The Senate recedes.

Eligible School Attendance Areas

176. The Senate amendment, but not the House bill, includes a paragraph heading entitled "In General".

Legislative counsel.

177. The House bill requires that LEAs use funds received under this part "only in school attendance areas with high concentrations of children from low-income families, hereafter in this section referred to as eligible school attendance areas"; the Senate amendment requires that LEAs use funds under this part "only in eligible school attendance areas".

The Senate recedes.

178. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Eligible School Attendance Areas".

Legislative counsel.

179. The House bill refers to " chool attendance area "; the Senate amendment refers to "the term chool attendance area ".

Legislative counsel.

180. The House bill refers to "served by such school reside"; the Senate amendment refers to "served by that school reside".

Legislative counsel.

181. The House bill refers to " ligible school attendance area "; the Senate amendment refers to "the term ligible school attendance area ".

Legislative counsel.

182. The House bill defines eligible school attendance area to mean a school attendance area in which the percentage of children from low income families is at least as high as the percentage of children from low income families in the LEA as a whole; the Senate amendment, in defining eligible school attendance area, encompasses the House bills definition and further defines the term to mean a school attendance area in which the percentage of children from low income families is equal to or greater than the percentage of children served by the LEA as a whole or who are eligible to participate in a schoolwide program.

The Senate recedes.

183. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Serving Schools in Rank Order".

Legislative counsel.

184. The House bill requires, that if funds allocated in accordance with the allocations subsection are insufficient to serve all eligible school attendance areas, then a LEA must annually rank, from highest to lowest according to the percentage of children from low-income families, and without regard to grade spans, its eligible school attendance areas in which the concentration of children from low-income families exceeds 75%, and then the LEA must serve such eligible school attendance areas in rank order; the Senate amendment requires that each LEA receiving part A assistance first serve in rank order schools in which the concentrations of children from low-income families is 75% or greater.

The Senate recedes.

185. The House bill requires that, if funds remain after serving all eligible school attendance areas within which the concentration of children from low-income families exceed 75%, then the LEA must annually rank its remaining eligible school attendance areas from highest to lowest either by grade span or for the entire LEA according to the percentage of children from low-income families, and then serve such eligible school attendance areas in rank order either by grade-span or within the LEA as a whole; the Senate amendment requires that, after the LEA first serves, in rank order, the eligible school attendance areas in which the concentrations of children from low-income families is 75% or greater, the LEA then serve, in rank order, schools in which the concentration of children from low-income families is at least 50% and less than 75%, with rank order determined, at the discretion of the LEA, according to grade span or school, and finally serve in rank order schools in which the concentration of children from low-income families is below 50%, with rank order determined according to grade span or by school.

Open.

186. The House bill requires that the LEA shall use as the measure of poverty, with respect to all school attendance areas in the LEA, either (1) the number of children ages 5 to 17 in the poverty count of the most recent census data approved by the Secretary, (2) the number of children eligible for free and reduced price lunches under the National School Lunch Act, (3) the number of children in families receiving assistance under AFDC, or (4) the number of children eligible to receive medical assistance under the Medicaid program, or (5) a composite of the above poverty indicators; the Senate amendment requires that the LEA shall use the same measure of low-income, with respect to all school attendance areas in the LEA, which the LEA shall choose on the basis of the best available verifiable data and which may be a composite of several indicators.

The Senate recedes with an amendment inserting "the same measure of low income, which measures shall be" before "the number".

187. The House bill refers to "each area"; the Senate amendment refers to "each such area".

Legislative counsel.

188. The House bill does not apply the ranking and poverty indicator provisions to LEAs with a total enrollment of less than 1,000 students; the Senate amendment does not apply the ranking and poverty indicator provisions nor the allocation requirements to LEAs with a total enrollment of less than 1,000 students but requires that such LEAs serve school attendance areas or schools in rank order according to grade span or school on the basis of the total number of children from low-income families in the grade levels served.

The Senate recedes but the conferees note that the House exemption affects 45% of all school districts. The conferees are concerned that this exemption could result in some rural states, made up almost entirely of school districts with enrollments of less than 1,000 children, not achieving the level of targeting that the conferees intend. However, the conferees also recognize that the Senate language might be difficult to administer or be too inflexible for some small districts to serve the neediest students. Thus, it is the conferees intent that the Secretary should work with and encourage such districts that receive Title I, Part A funds to target their funds to the neediest schools and students in ways appropriate for smaller districts.

189. The Senate amendment, but not the House bill, does not apply the ranking and poverty indicator provisions nor the allocation requirements to a school participating in a desegregation program where the number of economically disadvantaged children served by the school is equal to or greater than 100 or equal to or greater than 25% of the schools total enrollment.

The House recedes with an amendment giving the Secretary of Education the authority to grant a waiver.

While the House recedes with an amendment giving the Secretary the authority to grant a waiver from the requirement to serve schools in rank order for local educational agencies undergoing desegregation plans, the conferees take particular note of the unique situation of the Omaha, Nebraska School District and the particular need for a waiver under the authority given the Secretary in this legislation. While the waiver authority is permissive, the conferees, in light of the unique circumstances brought to their attention, intend that the Secretary of Education shall grant such a waiver to the Omaha School District.

190. The Senate amendment, but not the House bill, includes a special rule which states that the per pupil amount of funds allocated to each school or school attendance area which falls under the Senate exceptions, above, shall be at least 65% of the per pupil amount of funds the LEA received for that year under the poverty criterion described in the LEA plan, except that this shall not apply to a LEA that only serves schools in which at least 50% of children enrolled are from low income families, but allows a LEA to reduce the amount of funds allocated by the amount of any supplemental State and local funds expended in the attendance area or school for programs that meet the schoolwide program or targeted assistance school requirements of this part.

The Senate recedes.

191. The House bill, but not the Senate amendment, allows LEAs to designate as eligible any school attendance area or school in which at least 50% of the children are from low-income families.

The Senate recedes.

192. The House bill, but not the Senate amendment, allows LEAs to elect not to serve an eligible attendance area or school that has a higher percentage of children from low-income families if (1) the school meets the comparability requirements of this title, (2) the school is receiving supplemental funds from other State or local sources that are spent according to the schoolwide program or targeted assistance program requirements, (3) the funds expended from State or local sources equal or exceed the amount that would be provided under this part, but, notwithstanding the above, the number of children attending private schools who are to receive services and the assistance they receive under this part shall be determined without regard to whether the public school attendance area in which the private school children reside is passed over under for Title I services.

The Senate recedes.

193. The House bill, but not the Senate amendment, allows LEAs to use funds received to serve eligible children who reside in school attendance areas served under part A and who attend schools in other attendance areas in accordance with a court-ordered desegregation plan or a plan which continues to be implemented in accordance with a district-wide, court-ordered desegregation plan.

The House recedes.

194. The Senate amendment, but not the House bill, includes a subsection heading entitled "Optional Assignment".

The Senate recedes.

195. The House bill refers to "in local educational agencies that have over 900,000 students, to the extent feasible, use"; the Senate amendment refers to "A local educational agency with a total enrollment of greater than 900,000 children may, to the extent feasible".

Both the House and Senate recede.

196. The House bill refers to "serve educationally deprived children"; the Senate amendment refers to "serve children from low income families".

Both the House and Senate recede.

197. The Senate amendment, but not the House bill, includes a subsection heading entitled "In General".

Legislative counsel.

198. The House bill requires that LEAs allocate part A funds to eligible school attendance areas or to eligible schools which are identified under the Allocations and LEA Discretion provisions, in rank order, on the basis of the total number of children from low-income families in each area or school; the Senate amendment requires that LEAs allocate part A funds to eligible school attendance areas or to eligible schools which are (1) identified as having a concentration of children from low-income families of 75% or greater, in rank order, on the basis of the total number of children from low-income families in each area or school, (2) identified as having a concentration of children from low-income families of less than 75%, in rank order, on the basis of the total number of children from low-income families served in grade levels served in each eligible attendance area or eligible school.

The Senate recedes.

199. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Special Rule".

Legislative counsel.

200. The House bill requires that the per-pupil amount of funds allocated to each school attendance area or school shall be not less than 80% of the per-pupil amount of funds the LEA received under basic grants, concentration grants, and targeted grants to LEAs; the Senate amendment requires that the per-pupil amount of funds allocated to each school attendance area or school shall be at least 65% of the per-pupil amount of funds an LEA received for that year under the poverty criterion that the LEA described in its plan, except this requirement shall not apply to an LEA which only serves schools in which the percentage of low-income children is 50% or greater.

See note 504.

201. The House bill refers to "such school attendance area or school"; the Senate amendment refers to "that school attendance area or school".

Legislative counsel.

202. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Reservation".

Legislative counsel.

203. The House bill refers to "provide the services"; the Senate amendment refers to "those provided".

Legislative counsel.

204. The House bill requires LEAs to reserve funds in order to serve homeless children consistent with section 1115(b)(2)(d) which are provisions regarding homeless children; the Senate amendment requires LEAs to reserve funds to serve eligible homeless children who do not attend participating schools, including, where appropriate, providing educationally related support services to children in shelters.

The House recedes with an amendment moving "where appropriate" to the beginning of (A).

205. The House bill refers to "children in local institutions for delinquent children"; the Senate amendment refers to "children living in local institutions for neglected and delinquent children".

The House recedes.

206. The Senate amendment, but not the House bill, requires LEAs to reserve funds to serve, where appropriate, neglected and delinquent children in community day school programs.

The House recedes.

Schoolwide Programs

207. The Senate amendment, but not the House bill, includes a paragraph heading entitled "In General".

Legislative counsel.

208. The House bill refers to "to upgrade"; the Senate amendment refers to "in order to upgrade".

Legislative counsel.

209. The House bill refers to "in an eligible school"; the Senate amendment refers to "a school described in subparagraph (A) or (B)".

Legislative counsel.

210. The House bill refers to "meet the following criteria"; the Senate amendment refers to "meets either of the following criteria".

Legislative counsel.

211. The House bill allows schools to operate schoolwide programs if, for school year 1995-96 the school serves an eligible school attendance area where at least 65% of the children are from low income families or where at least 65% of the children enrolled in the school are from low income families, and, for school year 1996-97 and thereafter, the qualifying percentage shall be 60%; the Senate amendment allows schools to operate schoolwide programs if the school serves an eligible school attendance area where at least 30% of the children are from low income families and are eligible for a free or reduced price lunch or show evidence of poverty by other criteria, and where at least 30% of the children enrolled are from families meeting the above criteria.

The Senate recedes with an amendment making school wide eligibility 60 percent for the school year 1995-96 and 50 percent for school year 1996-97 and thereafter.

212. The House bill, but not the Senate amendment, requires that an LEA can only start new schoolwide programs after the SEA provides written information to the LEA that demonstrates that the State has established the statewide system of support and improvement that is required by this title and if the State describes how it has the capability to provide on-site assistance (if necessary) to each eligible school.

The Senate recedes with an amendment redrafting (B) to read "a school that wants to initiate a schoolwide program prior to the establishment of the statewide system of support and improvement required in section 1117(c)(1) and (e), shall demonstrate to the local educational agency that it has received high quality technical assistance and support from other providers of assistance such as comprehensive technical assistance centers, regional laboratories, institutions of higher education, educational service agencies or other local consortia". Also delete "(2) the provisions of paragraph (1) notwithstanding."

213. The Senate amendment, but not the House bill, states that no schoolwide program school shall be required to identify particular children as eligible to participate in a schoolwide program or to provide supplemental services to such children.

The House recedes with an amendment inserting "under this part" after "such children."

214. The House bill refers to "A schoolwide program school shall use such funds"; the Senate amendment refers to "A school participating in a schoolwide program shall use funds available to carry out this section".

Legislative counsel.

215. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Special Rule".

Legislative counsel.

216. The House bill allows schoolwide program schools to use funds received from any USED formula grant program (except IDEA) and from any discretionary program (which is contained on a list issued by the Secretary) to support a schoolwide program; the Senate amendment allows, except as provided in the Components of Schoolwide provisions, the Secretary to publish a Federal Register notice which exempts schoolwide programs from statutory or regulatory provisions of any USED formula or discretionary grant program (except IDEA formula or discretionary programs) to support schoolwide programs.

The House recedes.

217. The Senate amendment, but not the House bill, states that the Federal Register notice shall not be subject to the requirements in section 431 of GEPA or section 553 of title 5 of the U.S. Code.

The Senate recedes.

218. The Senate amendment, but not the House bill, states that a school which chooses to use other program funds in the schoolwide program shall not be relieved of the requirements relating to health, safety, civil rights, gender equity, student and parental participation and involvement, services to private school children, maintenance of effort, comparability of services, uses of Federal funds to supplement, not supplant non-Federal funds, or the distribution of funds to States or local educational agencies that apply to the receipt of funds from such programs.

The House recedes.

219. The Senate amendment requires that schoolwide program schools use not less than 10% of their Title I funds to carry out professional development activities except that a school may enter into consortia, and the 10% set-aside requirement shall not apply to a school if 10% of the funds the school receives is equal to less than $5,000; the House bill requires that schoolwide program provide intensive and sustained professional development for teachers, principal, and other staff, including aides, in accordance with the provisions in section 1119 (Professional Development) of the House bill (see notes 235 and 443).

The House recedes with an amendment rewriting the language to read as follows:

"Each school receiving funds under this part for any fiscal year shall devote sufficient resources to effectively carry out the professional development activities described in subsection (b)(1)(D), and consistent with section 1119, for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities."

Amend the program improvement provisions in section 116 to include the following:

\* \* \* \* \* \* \*

Include in section 1119 the following:

"No State Educational Agency shall require a school to expend for professional development activities a specific amount of funds except that this part shall not apply with respect to section 1116(d)(6)."

220. The Senate amendment, but not the House bill, includes a paragraph heading entitled "In General".

Legislative counsel.

221. The House bill refers to "States standards"; the Senate amendment refers to "State content standards and the State student performance standards described in section 1111(b)(1)".

The House recedes.

222. The House bill refers to "performance standards"; the Senate amendment refers to "levels of performance described in section 1111(b)(1)(A)".

The House recedes with an amendment inserting "student" before "performance".

223. The House bill refers to "based on research on effective means"; the Senate amendment refers to "based on effective means".

The House recedes.

224. The House bill, but not the Senate amendment, requires that schoolwide program uses effective instructional strategies which may include the integration of vocational and academic learning (including applied learning and team teaching strategies).

The Senate recedes.

225. The House bill gives, as an illustrative example of increasing time and learning, providing an extended school year and before-and-after school programs and opportunities; the Senate amendment allows, in addressing the needs of all children, schoolwide programs to offer after school and summer programs, and places these provisions in another part of the section.

The Senate recedes with an amendment inserting "and summer" before "programs".

226. Both the House bill and the Senate amendment require that schoolwide programs help provide an enriched and accelerated curriculum, but the House bill also requires that the curriculum should incorporate gender-equitable methods and practices, but the House bill states that such curriculum should be provided instead of remedial drill and practice, and the Senate amendment places the gender equity language in another part of the section.

The Senate recedes with an amendment adding "and that include strategies in meeting the educational needs of historically underserved populations, including girls and women".

227. The Senate amendment, but not the House bill, refers to "economically disadvantaged children" and "children with disabilities".

The House recedes with an amendment striking categories of children.

228. Both the House bill and the Senate amendment require that schoolwide programs address how the school will determine if the needs of special populations have been met, but the bills place the requirement in different parts of the section.

Legislative counsel.

229. The House bill, but not the Senate amendment, requires that schoolwide programs describe the current program being offered to LEP students.

The House recedes.

230. The House bill, but not the Senate amendment, requires that schoolwide programs address how the school will build upon, expand, or coordinate the schoolwide program with the current program.

The House recedes.

231. The Senate amendment states that, in addressing the needs of all children, schoolwide programs may include counseling, pupil services and mentoring services, college and career counseling awareness and preparation, services to prepare students for the transition from school-to-work; the House bill includes similar activities, but specifies that such activities must be carried out in schools serving children beyond grade six.

The House recedes with amendments adding references to comprehensive career development, occupational information, and occupational skills, personal finance education and other matters from the House bill.

232. The Senate amendment states that, in addressing the needs of all children, schoolwide program may include services to assist preschool children in transition from early childhood programs to elementary school programs; the House bill requires that schoolwide programs carry out similar activities.

The Senate recedes.

233. The House bill refers to "State and local reform plans"; the Senate amendment refers to "State and local improvement plans".

The House recedes.

234. The House bill requires that schoolwide programs provide intensive and sustained professional development for teachers, principal, and other staff, including aides; the Senate amendment requires that schoolwide programs provide ongoing professional development for teachers, pupil services personnel, parents, principals, and other staff.

The House recedes with an amendment adding a reference to section 1119 and inserting "and aides, where appropriate" and striking "ongoing".

235. The House bill requires that professional development be provided in accordance with the provisions in section 1119 (Professional Development) of the House bill; and Senate amendment requires that professional development be provided in accordance with the 10% set-aside provision.

The Senate recedes.

236. The House bill refers to "States performance standards"; the Senate amendment refers to "States student performance standards.

The House recedes.

237. The Senate amendment requires that professional development activities be jointly developed by the principal, teachers, and other staff of each school; the House bill has similar requirements in section 1119.

The Senate recedes.

238. The House bill refers to "strategies to increase parental involvement, including family literacy services"; the Senate amendment refers to "parental involvement in accordance with section 1116".

The Senate recedes with an amendment changing "including" to "such as".

239. The House bill requires that schoolwide programs include plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to elementary school; the Senate amendment includes a similar provision, but it is an allowable activity, and it does not reference specific programs.

The Senate recedes.

240. The House bill requires schoolwide program serving children beyond grade six to provide counseling and mentoring services, college and career awareness, exploration, and preparation programs, and services to prepare students for the transition from school to work; the Senate amendment has similar provisions, but they are allowable activities and are not limited to schools serving children beyond grade six.

The House recedes with an amendment moving certain provisions to schoolwide project components.

241. The Senate amendment, but not the House bill, requires schoolwide programs to include the development and use of teacher selected assessments as described in the LEA plan.

The House recedes with amendment striking development and use of teacher selected" and inserting "measures to include teachers in decisions regarding the use of" before "assessments."

242. The Senate amendment, but not the House bill, requires that schoolwide programs include measures to ensure that students who experience difficulty mastering any of the State standards during the course of the school year will be provided with additional assistance which shall include (1) measures to ensure that the students difficulties are identified on a timely basis and to provide information on which to base the assistance, (2) periodic training for teachers in how to identify such difficulties and provide assistance (to the extent feasible), and (3) for any student who has not met the standards, teacher parent conferences.

The House recedes with an amendment changing "Measures" to "Activities".

243. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Plan".

Legislative counsel.

244. the Senate amendment, but not the House bill, allows schoolwide program schools to amend a plan that was in existence before the enactment of the Improving Americas Schools Act.

The House recedes.

245. The House bill, but not the Senate amendment, requires that the schoolwide program plan to be developed in consultation with the schools support team or other technical assistance provider.

The Senate recedes.

246. The House bill refers to "such components"; the Senate amendment refers to "those components".

Legislative counsel.

247. The House bill requires schoolwide program plans to describe how the school will provide "individual student assessment results"; the Senate amendment requires schoolwide program plans to describe how the school will provide "valid and reliable individual student assessment results".

The Senate recedes.

248. The Senate amendment requires schoolwide program plans to provide for statistically reliable data on the achievement and assessment results of economically disadvantaged children disaggregated by gender, major ethnic or racial groups, children with disabilities, and, where appropriate, LEP children; the House bill has a similar provision in its standards and assessment requirements.

The House recedes with an amendment requiring statistically sound results.

249. The House bill refers to "a review of the schools instructional practices in the context of available research on effective instructional and school improvement practices"; the Senate amendment refers to "effective instructional and school improvement practices".

The House recedes.

250. The House bill requires that the comprehensive plan be developed "during a one-year period"; the Senate amendment requires that the comprehensive plan be developed "over a one-year period";

The Senate recedes.

251. The House bill, but not the Senate amendment requires that the technical assistance providers provide recommendations to the LEA on whether or not a schools schoolwide plan can be developed in less time that a one-year period.

The Senate recedes with an amendment striking "based on" and inserting "after considering".

252. The House bill refers to "it"; the Senate amendment refers to "such school".

Legislative counsel.

253. The House bill refers to "at the time this section takes effect"; the Senate amendment refers to "on the day preceding the date of enactment of the Improving Americas Schools Act of 1994".

Legislative counsel.

254. The House bill refers to "such program"; the Senate amendment refers to "that program".

Legislative counsel.

255. The House bill refers to "during the first year"; the Senate amendment refers to "during the first year of assistance under such Act".

Legislative counsel.

256. The House bill requires that the schoolwide plan be developed with the involvement of the community to be served and individuals who will carry it out (including teachers, principals, other staff, parents, and students if the plan is carried out in secondary schools); the Senate amendment requires that the plan be developed by a schoolsite council composed of those individuals who will implement the plan (including teachers, pupil services personnel, parents, principals, and other staff).

The Senate recedes with an amendment inserting "and where appropriate, pupil services personnel, and".

257. The Senate amendment, but not the House bill, requires that the plan be in effect for the duration of the schools participation under this part.

The House recedes.

258. The House bill refers to "made available"; the Senate amendment refers to "available".

Legislative counsel.

259. The Senate amendment, but not the House bill, requires that the schoolwide plan be made available to the LEA.

The House recedes.

260. The House bill refers to "with the information"; the Senate amendment refers to "and the information".

Legislative counsel.

261. The House bill refers to "translated"; the Senate amendment refers to "shall be translated".

Legislative counsel.

262. The House bill, but not the Senate amendment, requires that the schoolwide plan be developed, where appropriate, in coordination with programs under the School-to-Work Opportunities Act, the Perkins Vocational and Applied Technology Act, and the National and Community Service Trust Act.

The Senate recedes.

263. The House bill, but not the Senate amendment, includes a subsection on accountability which requires (1) that schoolwide programs shall be subject to school improvement for failure to make adequate progress for two consecutive years, (2) that schoolwide programs in program improvement which have not made adequate progress by the third year following program improvement identification shall be subject to corrective action and where appropriate termination of its status as a schoolwide program, and (3) that a school that has forfeited its schoolwide status may not regain such status until the LEA determines that the school has adequately reformed its schoolwide program plan to enable it to make adequate progress toward meeting the States challenging performance standards.

The Senate recedes with amendments deleting (2) and moving (3) to another place in the bill, and rewriting (1) to read "A school with a school-wide project shall be subject to the school improvement provisions of Section 1116.

"Targeted Assistance Schools

264. The House bill refers to "schools selected to participate under section 1113"; the Senate amendment refers to "schools selected to receive funds under section 1113(c)".

Legislative counsel.

265. The House bill refers to "a schoolwide program" in two places; the Senate amendment refers to "a schoolwide program under section 1114" and "such a schoolwide program".

Legislative counsel.

266. The House bill requires targeted assistance schools to provide services only to eligible children who are identified as having the greatest need for special assistance; the Senate amendment requires targeted assistance schools to provide services only to economically disadvantaged children identified by teachers, in consultation with parents, administrators, and pupil services personnel, as having the greatest academic need for special assistance.

The Senate recedes.

267. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Eligible Population".

Legislative counsel.

268. The House bill defines the eligible population to be (1) children up to age 21 who are entitled to a free public education through grade 12 and (2) children who are not yet at a grade level where the LEA provides a free public education yet are of an age where they can benefit from an instructional program; the Senate amendment encompasses the House definition of eligible population, but specifies that the child must be economically disadvantaged as well as meet the House criteria, and includes in the eligible population economically disadvantaged children who are also disabled, limited-English proficient, or a migrant.

The Senate recedes.

269. The House bill defines eligible children as children who are in the eligible population who are identified by the school as failing, or most at risk of failing to meet the States performance standards on the basis of objective criteria established by the LEA, except that children from preschool through grade 2 shall be selected solely on the basis of criteria such as teacher judgment, interviews with parents, and developmentally appropriate methods; the Senate amendment covers the "definition" of eligible children in its definition of eligible population.

The Senate recedes.

270. The House bill allows children receiving services to overcome a disability or limited English proficiency to be eligible for services in targeted assistance schools on the same basis as other children who are selected for services under this part; the Senate amendment makes children who are disabled and LEP children eligible for services if they are also economically disadvantaged.

The Senate recedes with amendment changing "receiving services to overcome a disability" to "with"; inserting "children" before "are eligible" and adding "migrant and economically disadvantaged children."

271. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Special Rule".

Legislative counsel.

272. The House bill states that funds received under this part may not be used to provide services that are otherwise required by law to make available to disabled children and LEP children; the Senate amendment states that funds received under this part may not be used to provide services that are otherwise required by law to be made available to children who received services under Neglected and Delinquent during the 2 preceding years, homeless children attending school in the LEA, and children who participated in Head Start or Even Start during the 2 preceding years, but allows that funds received under this part may be used to coordinate or supplement such services.

The Senate recedes with an amendment adding at the end "but may be used to coordinate or supplement such services".

273. Both the House bill and the Senate amendment allow children who, in the 2 preceding years, participated in Head Start or Even Start to be automatically eligible for services under this part, but the House bill also allows children who, in the 2 preceding years, participated in a State-run preschool program.

The House recedes.

274. The House bill allows children who during the 2 preceding years received services under part D (N&D) to be eligible for services under this part; the Senate amendment requires that such a child be automatically eligible to receive services under this part.

The Senate recedes.

275. The House bill, but not the Senate amendment, requires that any child in a local institution for neglected and delinquent children or attending a community day program for such children is eligible for services under this part.

The Senate recedes with an amendment changing "is" to "may be".

276. The House bill requires that services under this part be provided to eligible homeless children who attend a school in an LEA which receives title I funds, and to the extent feasible, requires an LEA to use part A funds to serve eligible homeless children who attend schools in noneligible attendance areas, including providing educationally related support services to children in shelters (where appropriate); the Senate amendment requires that homeless children attending any school in the LEA is eligible for services.

The House recedes.

277. The Senate amendment, but not the House bill, includes a paragraph heading entitled "In General".

Legislative counsel.

278. The House bill refers to "to provide all students"; the Senate amendment refers to "to provide for all students served under this part".

The House recedes.

279. The House bill refers to "the States challenging performance standards"; the Senate amendment refers to "the States student performance standards in subject areas as determined by the State".

The House recedes.

280. The House bill refers to "its resources"; the Senate amendment refers to "such programs resources".

Legislative counsel.

281. The House bill refers to "the challenging performance standards"; the Senate amendment refers to "such State student performance standards".

The House recedes.

282. The House bill refers to "be based on research on effective means"; the Senate amendment refers to "be based on effective means".

The House recedes.

283. The Senate amendment, but not the House bill, requires that a component of a targeted assistance program shall ensure that planning for students served under this part is incorporated into existing school planning.

The House recedes.

284. The House bill requires that schools use effective instructional strategies, that give primary consideration to providing extended learning time such as an extended school year and before-and-after school programs and opportunities; the Senate amendment requires that schools use effective instructional strategies that increase the amount and quality of learning time.

The Senate recedes with an amendment inserting "and summer".

285. The House bill requires that schools use effective instructional strategies that involve an accelerated, high-quality curriculum, including applied learning, rather than remedial drill and practice; the Senate amendment requires that schools use effective instructional strategies that help provide an accelerated, high quality curriculum.

The House recedes with an amendment inserting "including applied learning" after "curriculum".

286. The House bill requires that schools use effective instructional strategies that minimize removing children from the regular classroom for instruction provided under this part; the Senate amendment requires that schools use effective instructional strategies isolating eligible children from other children in the school during regular school hours.

The Senate recedes with an amendment inserting "during regular school hours" after "classroom".

287. Both the House bill and the Senate amendment require that targeted assistance programs be coordinated with and support the regular education program, but the House bill states that targeted assistance program should support the regular program in providing an enriched and accelerated curriculum for eligible children.

The House recedes.

288. The Senate amendment allows targeted assistance programs, in supporting the regular education program, to include (1) counseling, mentoring and other pupil services, (2) college and career awareness and preparation services, and (3) services to prepare students for the transition from school to work; the House bill has similar provisions, but requires that such services be provided in participating schools serving children beyond grade six.

The House recedes with amendments adding references to comprehensive career development, occupational information, and occupational skills, personal finance, and other matter from the House bill.

289. The Senate amendment allows targeted assistance programs, in supporting the regular education program, to include services to assist preschool children in the transition from early childhood programs to elementary school programs; the House bill requires that similar services be included as a component of a targeted assistance program.

The House recedes.

290. The House bill refers to "highly qualified professional staff"; the Senate amendment refers to "highly qualified staff".

The House recedes.

291. The House bill requires targeted assistance schools to provide opportunities for intensive and sustained professional development; the Senate amendment requires such schools to provide opportunities for ongoing professional development to the extent the school determines feasible.

The House recedes with an amendment adding a cross reference to section 1119, and striking "ongoing".

292. The House bill requires targeted assistance programs to provide strategies to increase parental involvement including family literacy services; the Senate amendment requires targeted assistance programs to provide opportunities for parental involvement in accordance with section 1116.

The Senate recedes with an amendment changing "including" to "such as".

293. The House bill requires targeted assistance programs to provide plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to local elementary school programs; the Senate amendment allows targeted assistance programs, in supporting the regular education program, to include services to assist preschool children in the transition from early childhood programs to elementary school programs.

294. The House bill requires targeted assistance programs serving children beyond grade 6, in coordination with funds available from other programs and (as appropriate) drawing on private and public organizations to include (1) counseling and mentoring, (2) college and career awareness and preparation services; and (3) services to prepare students for the transition from school to work; the Senate amendment allows targeted assistance programs, in supporting the regular education program, to provide such services, but does not limit services to schools serving children beyond grade six (see note).

The House recedes with an amendment adding items from the House list in "Components of a Targeted Assistance School Programs".

295. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Requirements".

Legislative counsel.

296. The House bill requires targeted assistance schools to develop a plan (in consultation with the LEA) to assist participating children to meet the States "proficient" and "advanced" performance standards, and then outlines the plan requirements; the Senate amendment requires targeted assistance schools to assist participating children to meet the States proficient and advanced levels of performance, and then lists what schools must do.

The House recedes.

297. The House bill, but not the Senate amendment, requires the school plan to describe the selection of children to participate in the program.

The House recedes.

298. The House bill requires the school plan to describe the program to be conducted that incorporates the targeted assistance program components that are outlined in the House bill and how resources will be coordinated with other resources to enable the children served to meet the States standards; the Senate amendment requires targeted assistance programs to coordinate Title I resources with other resources to enable children served to meet the State content standards and the State student performance standards.

The House recedes.

299. The House bill, but not the Senate amendment, requires the school plan to describe how the school will review, on an ongoing basis, the progress of participating children and revise the program, if necessary, to provide additional assistance to enable children to meet the States standards, and then gives a list of examples of this.

The Senate recedes with an amendment changing "review" to "reviewing" and "revise" to "revising" and moving to the assurances list, and an amendment not requiring a plan.

300. The House bill, but not the Senate amendment, requires the school plan to describe why, if a school is eligible to operate a schoolwide program, it choose not to do so.

The House recedes.

301. The Senate amendment requires targeted assistance schools to provide individual student assessment results, including an explanation of those results, to the parent of any child who participates in the assessment; the House bill has a similar requirement in its standards and assessment provisions.

The Senate recedes.

302. The House bill, but not the Senate amendment, requires that school plans, developed before a State has adopted standards and a set of assessments that meet the criteria in section 1111, shall be based on an analysis of available data on the achievement of participating children and a review of the schools instructional practices in the context of available research on effective instructional practices.

The House recedes.

303. The House bill, but not the Senate amendment, requires that (1) school plans be developed with the involvement of the community to be served and the individuals who will carry it out, (2) each plan be approved by LEA and made available to parents (translated, to the extent feasible, into the parents native language), and (3) each plan be reviewed and revised, as necessary, by the school.

The House recedes.

304. The House bill refers to "staff paid with funds"; the Senate amendment refers to "staff supported with funds".

Legislative counsel.

305. The Senate amendment, but not the House bill, requires that nothing in this section shall be construed to prohibit a school from serving students served under this section simultaneously with students with similar educational needs, in the same educational settings, where appropriate.

The House recedes.

306. The Senate amendment allows targeted assistance schools, (1) if health, nutrition, and other social services are not otherwise available to children in those schools, (2) if the school has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers, and (3) if funds are not reasonably available from other public or private sources, to use Part A funds as a last resort in providing health, nutrition, and other social services; the House bill creates a separate authority under Title X of ESEA which allows LEAs to use up to 5% of other ESEA program funds for coordinated services activities (see the house Title X side-by-side).

The House recedes with amendments inserting "a portion of the" before "funds" in (1) and "necessary to assist" before for teachers in (1)(C).

307. The Senate amendment requires targeted assistance schools to use not less than 10% of their Title I funds to carry out professional development activities except that a school may enter into consortia, and the 10% set-aside requirement shall not apply to a school if 10% of the funds the school receives is equal to less than $5,000; the House bill requires targeted assistance programs to provide, with Title I resources and with other sources, opportunities for intensive and sustained professional development (in accordance with section 1119) for administrators and for teachers and other school staff who work with participating children in Title I programs or in the regular education program.

The House recedes with an amendment.

School Choice

308. The House bill, but not the Senate amendment, allows LEAs receiving Part A funds, after developing a plan, to develop and implement school choice programs for children eligible for Title I assistance which allow parents to select the public school receiving Title I funding that their children will attend.

The Senate recedes with amendments striking "other Federal"; adding a provision that both the sending school and receiving school need to be in agreement on allowing the child to transfer schools; adding a provision that funds may not be used under this part to provide transportation; and adding a provision that the choice program must comply with all provisions of this part.

Assessment and School and Local Educational Agency Improvement

309. The House bill provides that local educational agencies use state assessments to review annually whether schools served under this part are making adequate progress, as defined in section 1111(b)(2)(A)(i) or section 1112(b)(2) toward enabling students to meet the states performance standards; the Senate amendment contains a similar provision with adequate progress defined in section 1111(b)(2)(A)(i) for meeting the "States student performance standards described in the State plan" and other technical differences.

The House recedes.

310. The House bill refers to "measures"; the Senate amendment refers to "measures or indicators".

The House recedes.

311. The House bill provides that local educational agencies disseminate to teachers and others the results of the annual review under paragraphs (1) and (2) in individual student profiles; the Senate amendment contains a similar provision adding "other staff" to the list of those the information is to be provided and a different cross reference.

The House recedes with an amendment clarifying that the data provided should be statistically sound and disaggregated.

312. The House bill provides that the results of the annual review be given to schools so they can refine their program of instruction to help all children in such schools to meet the States high performance standards; the Senate amendment provides that the review be given to schools so that "local educational agencies" can refine the program to help all children "served under this part" meet the States "student performance standards" and other drafting differences.

The House recedes with an amendment striking "the local educational agency" and inserting "schools".

313. The House bill, but not the Senate amendment, provides that state educational agencies and local educational agencies receiving funds shall designate distinguished schools in accordance with section 1117.

The Senate recedes.

314. The Senate amendment, but not the House bill, includes a paragraph heading "In General".

Legislative counsel.

315. Both the House bill and Senate amendment shall identify for program improvement any school that has been in school improvement for at least two consecutive years with drafting difference and two different cross references to current law of which only one can be correct.

**SUBJECT:** EDUCATION (79%); HOMELESSNESS (79%); STUDENTS & STUDENT LIFE (79%); EDUCATION LAW (79%); COLLEGES & UNIVERSITIES (79%); CHILDREN (79%); SPORTS (59%); APPROPRIATIONS (59%); CONTINUING EDUCATION (59%); FAMILY (59%); EDUCATION SYSTEMS & INSTITUTIONS (59%); PRIMARY & SECONDARY EDUCATION (59%); SPORTS & RECREATION (59%); WAGES & SALARIES (59%); EARLY CHILDHOOD EDUCATION (59%); COLLEGE & UNIVERSITY SPORTS (59%); SECONDARY SCHOOLS (59%); ACADEMIC STANDARDS (59%);

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Committee Reports

103d Congress, 2nd Session

House Report 103-747 Part 1

103 H. Rpt. 747; Part 1

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1995, AND FOR OTHER PURPOSES

**DATE:** September 26, 1994. Ordered to be printed

**SPONSOR:** Mr. Murtha, from the committee of conference, submitted the following

REPORT

(To accompany 4650)

**TEXT:**

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4650) "making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 25, 47, 56, 69, 71, 75, 88, 95, 98, 102, 103, 106, 109, 117, 130, 132, 133, 139, 140, 142, 148, 149, 164, and 215.

That the House recede from its disagreement to the amendments of the Senate numbered 12, 15, 20, 22, 23, 27, 29, 31, 33, 35, 39, 40, 41, 45, 51, 53, 55, 59, 61, 63, 64, 65, 66, 67, 74, 78, 83, 85, 87, 90, 92, 99, 119, 120, 121, 122, 123, 124, 126, 128, 136, 137, 146, 150, 151, 153, 154, 156, 166, 170, 171, 173, 180, 181, 182, 184, 185, 186, 187, 191, 196, 197, 203, 205, 206, and 209, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: $20,609,770,000.

And the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $17,569,137,000; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $5,774,871,000; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $17,181,479,000; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $2,161,620,000; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $1,401,809,000; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $348,748,000; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $768,834,000; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $3,339,505,000; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $1,233,429,000; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $17,507,088,000; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: : Provided, That of the funds appropriated in this paragraph, not less than $388,599,000 shall be made available only for conventional ammunition care and maintenance: Provided further, That of the funds appropriated in this paragraph, $5,800,000 shall be made available only for the removal of equipment and the repair and restoration of structures at the National Center for Toxicological Research, Jefferson, Arkansas: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available only for payment to the DoD 50th Anniversary of World War II Commemoration Appropriation: Provided further, That of the funds appropriated under this heading, $9,500,000 shall be made available only to purchase an easement for use by the Armys Schofield Barracks Military Reservation for the purpose of waste water disposal: Provided further, That notwithstanding Army Regulation 200-1, the Secretary of the Army may obligate not to exceed $2,000,000 through the Army Corps of Engineers to contribute to a multi-party remediation effort at the Alaska Roundhouse site at Cordova, Alaska: Provided further, That such funds may only be obligated to match contributions made by other private, State or Municipal authorities to the remediation effort; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $21,054,470,000; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

Delete the matter stricken and delete the matter inserted by said amendment.

And the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

After the word "Provided" named in said amendment delete the word "further" and in lieu of the sum named in said amendment insert: $45,874,000; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert: : Provided further, That of the funds appropriated under this heading, $46,300,000 shall be made available only for naval shipyard modernization projects to remain available for obligation until September 30, 1996; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $1,988,215,000; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $18,763,427,000; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert: : Provided, That the Secretary of the Air Force may acquire all right, title and interest of any party in and to two parcels of real property, including improvements thereon, consisting of approximately 27 acres, located near King Salmon Air Force Station: Provided further, That this authority may be exercised only for the purpose of conducting a response action in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601-9675) and the Air Force Installation Restoration Program; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: $10,500,104,000; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $1,243,209,000; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $831,219,000; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $81,862,000; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $1,471,505,000; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $2,440,288,000; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: : Provided, That of the funds appropriated in this paragraph, $10,000,000 shall be made available only for a National Guard Outreach Program in the Los Angeles School District; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $2,772,928,000; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $1,780,200,000; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

Summer Olympics

For logistical support and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1996 Games of the XXVI Olympiad and the X Paralympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 Games of the XXVI Olympiad and the X Paralympiad; $14,400,000: Provided, That funds appropriated under this heading shall remain available for obligation until September 30, 1997.

1995 Special Olympics World Games

For logistical support and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1995 Special Olympics World Games to be held in New Haven, Connecticut) provided by any component of the Department of Defense to the 1995 Special Olympics World Games; $3,000,000.

And the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $65,000,000; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for providing incentives for demilitarization; for establishing programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; for supporting the demilitarization of military technologies and production infrastructure; $400,000,000 to remain available until expended: Provided, That of the funds appropriated under this heading, $10,000,000 shall be made available only for the continuing study, assessment, and identification of nuclear waste disposal by the former Soviet Union in the Arctic and North Pacific regions.

And the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $1,063,164,000; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert: : Provided, That the Secretary of the Army will report to the House and Senate Committees on Appropriations on the concept, organization, requirements, and mission need documents for the High Capacity Air Ambulance, utilizing low cost fixed wing aircraft, no later than April 15, 1995; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $813,795,000; and the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $1,151,914,000; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $1,181,221,000; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $2,673,148,000; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $4,627,645,000; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $2,159,080,000; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: $417,779,000; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Nuclear submarine main steam condenser industrial base, $1,000,000; ; and the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $377,521,000; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $5,412,464,000; and the Senate agree to the same.

Amendment numbered 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $3,329,171,000; and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: $23,900,000; and the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $422,410,000; and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $6,379,962,000; and the Senate agree to the same.

Amendment numbered 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: : Provided, That the Department of the Air Force shall initiate procurement of non-developmental airlift aircraft no later than September 30, 1995; and the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $3,650,262,000; and the Senate agree to the same.

Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $288,401,000; and the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $6,965,201,000; and the Senate agree to the same.

Amendment numbered 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $2,088,230,000; and the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $800,000,000; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $5,521,413,000; and the Senate agree to the same.

Amendment numbered 93:

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $8,796,168,000; and the Senate agree to the same.

Amendment numbered 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: : Provided, That for continued research and development programs at the National Center for Physical Acoustics, centering on the ocean acoustics as it applies to advanced antisubmarine warfare acoustics issues with focus on ocean bottom acoustics, seismic coupling, sea-surface and bottom scattering, oceanic ambient noise, acoustically active surfaces, machinery noise, propagation physics, solid state acoustics, electrorheological fluids, transducer development, ultrasonic sensors, and other such projects as may be agreed upon, $1,000,000 shall be made available, as a grant, to the Mississippi Resource Development Corporation, of which not to exceed $250,000 of such sum may be used to provide special equipment as may be required for particular projects: Provided further, That none of the funds appropriated in this paragraph may be obligated or expended to develop or purchase equipment for an Aegis destroyer variant (commonly known as "Flight IIA") whose initial operating capability is budgeted to be achieved prior to the initial operating capability of the Ship Self-Defense program, nor to develop sensor, processor, or display capabilities which duplicate in any way those being developed in the Ship Self-Defense program: Provided further, That funds appropriated in this paragraph for development of the LPD-17 ship may not be obligated unless the baseline design of the ship includes cooperative engagement capability and sufficient own-ship self-defense capability against advanced sea-skimming antiship cruise missiles in the baseline design to achieve an estimated probability of survival from attack by such missiles at a level no less than any other Navy ship; and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $12,202,572,000; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: : Provided, That not less than $12,000,000 of the funds appropriated in this paragraph shall be made available only for the Joint Seismic Program and Global Seismic Network administered by the Incorporated Research Institutions for Seismology: Provided further, That not less than $20,000,000 of the funds appropriated in this paragraph shall be made available only for the National Center for Manufacturing Sciences: Provided further, That not less than $13,000,000 of the funds appropriated in this paragraph shall be made available only to continue the establishment and operation of an image information processing center supporting the Air Force Maui Space Surveillance Site; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $9,099,387,000; and the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: : Provided, That not less than $75,000,000 of the funds appropriated in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program: Provided further, That $50,000,000 shall be made available only to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued pursuant to subsection (b) (3) of such section: Provided further, That of the funds appropriated in this paragraph, $15,000,000 shall be transferred to the Department of Energy to address environmental restoration and management needs through the Center for Bioenvironmental Research: Provided further, That not less than $20,000,000 of the funds appropriated in this paragraph shall be made available only for an Experimental Program to Stimulate Competitive Research (EPSCOR) in the Department of Defense which shall include all states eligible as of the date of enactment of this Act for the National Science Foundation Experimental Program to Stimulate Competitive Research; and the Senate agree to the same.

Amendment numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $238,003,000; and the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $945,238,000; and the Senate agree to the same.

Amendment numbered 107:

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $724,400,000; and the Senate agree to the same.

Amendment numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: : Provided, That $25,000,000 shall be transferred to the Secretary of Transportation for title XI loan guarantees: Provided further, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all ship-board services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to aquire capability for national security purposes: Provided further, That not to exceed $43,000,000 may be used for the purchase or construction of vessels for the Ready Reserve Force component of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744): Provided further, That $110,000,000 may be used for the acquisition and conversion of one maritime prepositioning ship for use by the Marine Corps MPS Enhancement Program, and notwithstanding any other provision of law, that such conversion shall be performed in a United States shipyard; and the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $9,930,759,000; and the Senate agree to the same.

Amendment numbered 111:

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $9,601,170,000; and the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $329,589,000; and the Senate agree to the same.

Amendment numbered 113:

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: : Provided further, That of the funds appropriated under this heading, $5,000,000 shall be made available only for nursing research: Provided further, That of the funds appropriated under this heading, $14,500,000 shall be made available for obtaining emergency communications services for members of the Armed Forces and their families from the American National Red Cross as authorized by law: Provided further, That until the end of September 30, 1995, the Secretary of the Air Force shall, through contract or otherwise, continue to provide health care in the base hospital at Plattsburgh Air Force Base, New York, to persons entitled to health care in facilities of the uniformed services: Provided further, That of the funds appropriated under this heading, not more than $3,400,000 shall be made available to permit private sector or non-federal physicians, who have used and will use the antibacterial treatment method based upon the excretion of dead and decaying spherical bacteria, to work in conjunction with the Walter Reed Army Medical Center on a treatment protocol and related studies for Desert Storm Syndrome-affected veterans; and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $575,449,000; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $355,784,000; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $198,965,000; and the Senate agree to the same.

Amendment numbered 118:

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: $721,266,000, of which $10,000,000 is hereby transferred to the "Military Construction, Navy" appropriation for construction of a Relocatable Over-the-Horizon Radar in Puerto Rico: Provided, That section 9136 of Public Law 102-396 is amended by adding the words "purchasing or" before the word "leasing" and by changing the designation "T-47" to "OT- 47B"; and the Senate agree to the same.

Amendment numbered 125:

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $92,684,000; and the Senate agree to the same.

Amendment numbered 127:

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

MK19-3 grenade machine guns;

M16A2 rifles;

M249 Squad Automatic Weapons;

M4 carbine rifles.

And the Senate agree to the same.

Amendment numbered 129:

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8013A; and the Senate agree to the same.

Amendment numbered 131:

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

In lieu of the matter restored by said amendment insert:

Sec. 8021. All new Department of Defense procurements shall separately identify software costs in the work breakdown structure defined by MIL-STD-881 in those instances where software is considered to be a major category of cost.

And further

Amend the matter retained by said amendment as follows:

In lieu of section number "8021" named in said retained matter insert: 8021A; and the Senate agree to the same.

Amendment numbered 134:

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter restored by said amendment as follows:

In lieu of the sum named in said restored matter insert: $203,736,000; and further

Amend the matter retained by said amendment as follows:

In lieu of section number "8025" named in said retained matter insert: 8025A; and the Senate agree to the same.

Amendment numbered 135:

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8026A.

After the words "not apply to handguns" named in said retained matter insert: and ammunition; and the Senate agree to the same.

Amendment numbered 138:

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8041A; and the Senate agree to the same.

Amendment numbered 141:

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8050A; and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

Sec. 8054. (a) Funds appropriated in this Act to finance activities of Department of Defense (DoD) Federally Funded Research and Development Centers (FFRDCs) may not be obligated or expended for a FFRDC if a member of its Board of Directors or Trustees simultaneously serves on the Board of Directors or Trustees of a profit-making company under contract to the Department of Defense unless the FFRDC has a DoD approved conflict of interest policy for its members.

(b) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(c) The Secretary of Defense may not obligate more than one-half of the funds available for each defense FFRDC, and more than one-half of the total amount available for defense FFRDCs, until the congressional defense committees receive the annual funding ceilings for fiscal year 1995 for each defense FFRDC and each subcomponent of a defense FFRDC identified as a separate sub-entity due to the significantly unique nature of its functions.

(d) Limitation on Compensation. No employee or executive officer of a defense FFRDC may be compensated at a rate exceeding Executive Schedule Level I by that FFRDC: Provided, That the restriction contained in this subsection shall not take effect until July 1, 1995.

(e) Limitation on Compensation. No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC may be compensated for his or her services as a member of such entity except under the same conditions, and to the same extent, as members of the Defense Science Board: Provided, That a member of any such entity shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties: Provided further, That the restriction contained in this subsection shall not take effect until July 1, 1995.

(f) Notwithstanding any other provision of law, none of the funds available to the Department of Defense from any source during fiscal year 1995 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded by government grants, or for absorption of contract overruns.

(g) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1995, not more than $1,252,650,000 may be obligated for financing activities of FFRDCs: Provided, That the total amount appropriated in title IV of this Act is hereby reduced by $100,000,000 to reflect the funding ceiling contained in this subsection.

(h) The total amount appropriated to or for the use of the Department of Defense in title IV of this Act is reduced by an additional $251,534,000 to reflect savings from the decreased use of non-FFRDC consulting services by the Department of Defense.

(i) The total amount appropriated to or for the use of the Department of Defense in title IV of this Act is reduced by an additional $19,055,000 to reflect savings from the decreased use of major non-profit federally-funded research institutions and university-affiliated research centers by the Department of Defense.

And the Senate agree to the same.

Amendment numbered 144:

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8055A; and the Senate agree to the same.

Amendment numbered 145:

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8058A, and further

On page 77, line 12, of the House engrossed bill, H.R. 4650, strike out "$2,000,000" and insert in lieu thereof: $1,000,000; and the Senate agree to the same.

Amendment numbered 147:

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8064A; and the Senate agree to the same.

Amendment numbered 152:

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8075A; and the Senate agree to the same.

Amendment numbered 155:

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

In lieu of the matter retained by said amendment insert:

Sec. 8081A. In addition to amounts appropriated or otherwise made available by this Act, $67,000,000 is hereby appropriated and shall be made available only for liquidating deficiencies in the amounts specified in the appropriations "National Guard Personnel, Army, 1993", $55,000,000; and "Reserve Personnel, Army, 1993", $12,000,000.

And the Senate agree to the same.

Amendment numbered 157:

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

Sec. 8090. Notwithstanding any other provision of law, funds appropriated in this Act for the High-Performance Computing Modernization Program shall be made available only for the upgrade, purchase, or modernization of supercomputing capability and capacity at Department of Defense (DoD) science and technology sites under the cognizance of the Director of Defense Research and Engineering and DoD test and evaluation facilities under the Director of Test and Evaluation, OUSD (A&T): Provided, That the contracts, contract modifications, contract options, or other agreements are awarded as the result of full and open competition based upon the requirements of the user.

And the Senate agree to the same.

Amendment numbered 158:

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter restored by said amendment as follows:

In lieu of the number "75" named in said restored matter in two instances insert: 50, and further

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8093A; and the Senate agree to the same.

Amendment numbered 159:

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8094A; and the Senate agree to the same.

Amendment numbered 160:

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: $75,000,000; and the Senate agree to the same.

Amendment numbered 161:

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8097A; and the Senate agree to the same.

Amendment numbered 162:

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

(Transfer of Funds)

Sec. 8099. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

CG-47 cruiser program, $6,000,000;

LSD-41 landing ship dock program, $1,700,000;

T-AGOS ocean surveillance ship program, $5,000,000;

For craft, outfitting, post delivery, and cost growth, $2,438,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

SSN-688 attack submarine program, $11,719,000;

MSH coastal mine hunter program, $3,419,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

TRIDENT ballistic missile submarine program, $650,000;

DDG-51 destroyer program, $633,000;

CG-47 cruiser program, $283,000;

T-AO fleet oiler program, $2,800,000;

AO conversion program, $400,000;

For craft, outfitting, and post delivery, $5,900,000;

Weapons Procurement, Navy, 1993/1995, $18,069,000;

National Guard and Reserve Equipment, 1994/1996, $5,145,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

SSN-688 attack submarine program, $18,496,000;

AOE fast combat support ship program, $15,384,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

CG-47 cruiser program, $15,351,000;

LSD-41 cargo variant ship program, $4,773,000;

LHD-1 amphibious assault ship program, $7,028,000;

AO conversion program, $1,900,000;

Aircraft Procurement, Navy, 1993/1995, $100,642,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

TRIDENT ballistic missile submarine program, $6,035,000;

SSN-688 attack submarine program, $19,659,000;

CVN nuclear aircraft carrier program, $104,000,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

LHD-1 amphibious assault ship program, $3,400,000;

T-AO fleet oiler program, $3,488,000;

T-AGOS surveillance ship program, $3,197,000;

AO conversion program, $1,300,000;

Weapons Procurement, Navy, 1993/1995, $178,000;

Other Procurement, Navy, 1993/1995, $22,400,000;

Research, Development, Test and Evaluation, Navy, 1994/1995, $41,700,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

SSN-688 attack submarine program, $18,939,000;

SSN-21 attack submarine program, $37,123,000;

MHC coastal mine hunter program, $1,700,000;

AOE combat support ship program, $17,901,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

TRIDENT ballistic submarine program, $2,400,000;

Aircraft carrier service life extension program, $346,000;

MCM mine countermeasures program, $657,000;

Oceanographic ship program, $3,964,000;

LCAC landing craft air cushion program, $1,188,000;

Aircraft Procurement, Navy, 1993/1995, $6,000,000;

Weapons Procurement, Navy, 1993/1995, $6,753,000;

Other Procurement, Navy, 1994/1996, $1,297,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

SSN-688 attack submarine program, $9,046,000;

MHC coastal mine hunter program, $3,575,000;

AOE combat support ship program, $9,984,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

TRIDENT ballistic missile submarine program, $39,500,000;

DDG-51 destroyer program, $8,200,000;

LSD-41 dock landing ship cargo variant ship program, $22,427,000;

Aircraft Procurement, Navy, 1994/1996, $17,000,000;

Other Procurement, Navy, 1994/1996, $666,000;

Procurement, Marine Corps, 1993/1995, $6,600,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

SSN-21 attack submarine program, $48,240,000;

LHD-1 amphibious assault ship program, $43,600,000;

MHC coastal mine hunter program, $2,553,000;

From:

Aircraft Procurement, Navy, 1993/1995, $42,000,000;

Other Procurement, Navy, 1994/1996, $29,261,000;

National Guard and Reserve Equipment, 1994/1996, $5,183,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":

DDG-51 destroyer program, $64,958,000;

MHC coastal mine hunter program, $11,486,000;

From:

Weapons Procurement, Navy, 1993/1995, $30,000,000;

Other Procurement, Navy, 1994/1996, $38,438,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1993/1997":

DDG-51 destroyer program, $26,894,000;

LSD-41 cargo variant ship program, $5,663,000;

MHC coastal mine hunter program, $7,615,000;

AOE combat support ship program, $28,266,000;

From:

Weapons Procurement, Navy, 1994/1996, $14,000,000;

Other Procurement, Navy, 1994/1996, $763,000;

National Guard and Reserve Equipment, 1994/1996, $4,672,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1994/1998":

LHD-1 amphibious assault ship program, $15,131,000;

Oceanographic ship program, $4,304,000.

And the Senate agree to the same.

Amendment numbered 163:

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

Sec. 8101. Not later than May 1, 1995, the Secretary of Defense shall submit to the Committees on Appropriations of the House and Senate an independent cost effectiveness study of Air Force bomber programs: Provided, That of the total amounts available to the Department of Defense for financing the activities of defense federally funded research and development centers during fiscal year 1995, $4,500,000 shall be made available within 30 days after the enactment of this Act for the purposes of the aforementioned study.

And the Senate agree to the same.

Amendment numbered 165:

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

In lieu of the matter restored by said amendment insert:

(including transfer of funds)

Sec. 8104. Balances of the funds appropriated in Public Laws 102-172, 102-396, and 103-139, under the headings "World University Games", "Summer Olympics", and "World Cup USA 1994" in title II of those Acts shall be merged with the appropriation heading entitled "Summer Olympics" appearing under title II of this Act and shall be available only for purposes described under that heading.

And further

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8104A; and the Senate agree to the same.

Amendment numbered 167:

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

In lieu of the matter restored by said amendment insert:

Sec. 8106. (a) None of the funds made available by this Act may be obligated for design, development, acquisition, or operation of more than 47 Titan IV expendable launch vehicles, or for satellite mission-model planning for a Titan IV requirement beyond 47 vehicles.

(b) Of the funds provided in the Department of Defense Appropriations Act, 1994 (Public Law 103-139), the Secretary of Defense shall transfer a total of $60,000,000 to the National Aeronautics and Space Administration (NASA): Provided, That of that amount, $25,000,000 shall be transferred from Procurement, Defense-Wide, 1994/1996, and shall only be used for LANDSAT 7: Provided further, That of that amount, $35,000,000 shall be transferred from Research, Development, Test and Evaluation, Defense-Wide, 1994/1995, and shall only be used for Single-Stage-to-Orbit research and development at Phillips Laboratory, Albuquerque, New Mexico and, pursuant to the Presidents call for a supporting role for DOD in this technology, the funds shall be used in activities to support NASA-led construction of an Advanced Technology Demonstrator X-vehicle and to finish the original flight test program of the DC-X1 test vehicle.

(c) $30,000,000 made available in this Act for Research, Development, Test and Evaluation, Air Force and $10,000,000 made available in the Department of Defense Appropriations Act, 1994 (Public Law 103-139) for Research, Development, Test and Evaluation, Defense- Wide, 1994/1995, may only be obligated for development of a new family of medium-lift and heavy-lift expendable launch vehicles evolved from existing technologies: Provided, That the $30,000,000 in fiscal year 1995 funds shall not be available for obligation until the Secretary of Defense submits a detailed plan describing the proposed development program for the new family of expendable launch vehicles.

And further

Amend the matter retained by said amendment as follows:

In lieu of section number "8106" named in said retained matter insert: 8106A.

After the words "(10 U.S.C. Sec. 1175) payments if rehired" named in said retained matter insert: in a civilian position; and the Senate agree to the same.

Amendment numbered 168:

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

Sec. 8107. Notwithstanding any other provision of law, of the funds appropriated to the Department of the Navy for Operation and Maintenance, not less than $4,500,000 shall be obligated and expended only for operation and maintenance, automatic data processing equipment, transition assistance or in-house central design development and activities for the Naval Reserve Force Information Systems Office, the Naval Reserve Personnel Center, the Enlisted Personnel Management Center, and the collocated Naval Computer and Telecommunications Station: Provided, That notwithstanding any other provision of law, of the funds appropriated to the Department of Defense for Procurement and Operation and Maintenance, Defense-Wide not less than $18,000,000 shall be obligated and expended only for automatic data processing equipment or software, in-house central design development and activities, and transition assistance for the Naval Reserve Force Information Systems Office, the Naval Reserve Personnel Center, the Enlisted Personnel Management Center and the collocated Naval Computer and Telecommunications Station, of which $8,000,000 shall be available in procurement funds and $5,000,000 shall be available in operation and maintenance funds only for the establishment of a Continuity of Operations (COOP) center that shall be collocated with the Naval Reserve Force Information Systems Office, the Enlisted Personnel Management Center, and the collocated Naval Computer and Telecommunications Station for the contingency preservation of computer data for the Department of Defense Data and Megacenter consolidation initiative: Provided further, That the Secretary of the Navy shall establish the Naval Reserve Force Information Systems Office and the Enlisted Personnel Management Center, supported by the collocated Naval Computer and Telecommunications Station, as the central design activities for development, integration, coding, documentation, and system management for the software development and maintenance of the Naval active and reserve single Source Data Collection System: Provided further, That the Bureau of Naval Personnel shall remain as the Program Manager for definition of functional requirements and priorities: Provided further, That the last provision of Section 8023 of Public Law 103-139, is hereby repealed.

(Transfer of Funds)

Sec. 8107A. In addition to amounts appropriated or otherwise made available in this Act, $8,000,000 shall be made available for pay and allowances for the Office of the Assistant Secretary of Defense for Reserve Affairs to be available only for support of Civil-Military Cooperation program operations, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code: Provided, That the funds made available by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

And the Senate agree to the same.

Amendment numbered 169:

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

In lieu of the matter restored by said amendment insert:

Sec. 8108. No funds available to the Department of Defense in this Act may be used to establish additional field operating agencies of any element of the Department during fiscal year 1995, except for field operating agencies funded within the National Foreign Intelligence Program.

And further

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8108A; and the Senate agree to the same.

Amendment numbered 172:

That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

Sec. 8111. Funds made available to the Department of the Navy for the EA-6B program in this Act and prior Department of Defense Appropriations Acts may be used to procure any lower cost alternative to the ADVCAP upgrade program considered by the Department of the Navy to be appropriate and cost effective.

And the Senate agree to the same.

Amendment numbered 174:

That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter restored by said amendment as follows:

Delete the words "January 1" named in said restored matter and insert in lieu thereof: April 1

In lieu of the sum "$30,000,000" named in said restored matter insert: $20,000,000

And further

In lieu of the matter retained by said amendment insert:

Sec. 8114A. (a) Fiscal Year 1995 Cost-of-Living Adjustment for Military Retirees. (1) The fiscal year 1995 increase in military retired pay shall (notwithstanding subparagraph (B) of section 1401a(b)(2) of title 10, United States Code) first be payable as part of such retired pay for the month of March 1995.

(2) For the purposes of subsection (a):

(A) The term "fiscal year 1995 increase in military retired pay" means the increase in retired pay that, pursuant to paragraph (1) of section 1401a(b) of title 10, United States Code, becomes effective on December 1, 1994.

(B) The term "retired pay" includes retainer pay.

(b) Future Cost-of-Living Adjustments for Military Retirees.

(1) Subject to paragraph (2), subparagraph (B) of section 1401a(b)(2) of title 10, United States Code, is amended

(A) in the heading, by striking out "THROUGH 1998" and inserting in lieu thereof "THROUGH 1996"; and

(B) in clause (ii)

(i) by striking out "THROUGH 1998" and inserting in lieu thereof "AND 1996";

(ii) by striking out "of 1994, 1995, 1996, or 1997" and inserting in lieu thereof "of 1994 or 1995"; and

(iii) by striking out "September" and inserting in lieu thereof "March".

(2) Paragraph (1) shall be effective only if

(A) the President, in the budget of the President for fiscal year 1996, proposes legislation which if enacted would be qualifying offsetting legislation; and

(B) there is enacted during the first session of the 104th Congress qualifying offsetting legislation.

(3) If the conditions in paragraph (2) are met, then the amendments by paragraph (1) shall take effect on January 1, 1996.

(4) For purposes of this subsection:

(A) The term "qualifying offsetting legislation" means legislation (other than an appropriations Act) that includes provisions

that

(i) offset fully the increased outlays for each of fiscal years 1996, 1997, and 1998 to be made from the Department of Defense Military Retirement Fund by reason of the amendment made by paragraph (1);

(ii) expressly state that they are enacted for the purpose of the offset described in clause (i); and

(iii) are included in full on the PayGo scorecard.

(B) The term "PayGo scorecard" means the estimates that are made with respect to fiscal years through fiscal year 1998 by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

And the Senate agree to the same.

Amendment numbered 175:

That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8115A; and the Senate agree to the same.

Amendment numbered 176:

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

Sec. 8116. Such additional sums as may be necessary for fiscal year 1995 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

And the Senate agree to the same.

Amendment numbered 177:

That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

Sec. 8117. After April 15, 1995, none of the funds provided in this Act may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation at a rate in excess of $250,000 per year.

And the Senate agree to the same.

Amendment numbered 178:

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

Sec. 8118. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure: Provided, That the Department of Defense shall prepare and submit to the Congressional defense committees a report on reductions of civilian technicians which may be required to align civilian technician positions with force structure changes in the Reserve component.

And the Senate agree to the same.

Amendment numbered 179:

That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

Sec. 8119. During the current fiscal year and hereafter, the Department of State and the Department of Defense are authorized to provide interagency courier service on a non-reimbursable basis.

And the Senate agree to the same.

Amendment numbered 183:

That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

Sec. 8123. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under state command and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 3686 (2) and 8686 (2) of title 10, United States Code.

And the Senate agree to the same.

Amendment numbered 188:

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

Sec. 8128. The Secretary of Defense shall report to the congressional defense committees the existing standards for the provision of concurrent retirement and disability benefits to members of the Armed Forces with not less than twenty years of service: Provided, That this evaluation will address the number of individuals retired from the Armed Forces under conditions of total disability; the cost of extending concurrent benefits to these individuals; the comparability of the policy to Office of Personnel Management guidelines for civilian federal employees; the comparability of this policy to prevailing private sector standards; the number of individuals potentially eligible for concurrent benefits who now receive other forms of federal assistance and the cost of that assistance: Provided further, That the Secretary shall submit this report not later than March 15, 1995.

And the Senate agree to the same.

Amendment numbered 189:

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment, as follows:

Delete all the matter in said amendment appearing after "or rank in grade of the member." down to and including "preceding calendar quarter."

and insert in lieu thereof:

(c) Reports. Not later than April 15 and October 15 of each calendar year while the off-site agreement is in effect, the Secretary of the Army shall submit to the congressional defense committees a semi-annual report on the number of members of the Armed Forces who were reassigned under subsection (b)(1) during the preceding six months.

And the Senate agree to the same.

Amendment numbered 190:

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

Sec. 8130. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the General Defense Intelligence Program and the Consolidated Cryptologic Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

And the Senate agree to the same.

Amendment numbered 192:

That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

Sec. 8132. The Secretary of Defense, from within funds provided in this Act, may obligate not to exceed $75,000 to fulfill Department of Defense obligations under the Educational Loan Repayment Programs for state-sponsored student loan programs not covered under Title IV, Part B or E of the Higher Education Act of 1965 (Title 20 U.S.C. 1071-1087).

And the Senate agree to the same.

Amendment numbered 193:

That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

Sec. 8133. Notwithstanding any other provision of law, the Secretary of the Navy shall obligate, within sixty days of this Act becoming law, not less than $39,750,000 from the funds appropriated in this Act or previous Acts under the heading "Aircraft Procurement, Navy", solely to procure, integrate, and install, on an urgent basis, AN/USH-42 mission recorders modified for use in S-3B aircraft.

And the Senate agree to the same.

Amendment numbered 194:

That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

Sec. 8134. Subparagraph (B) of section 7306(d)(1) of title 10, United States Code, shall not apply with respect to the transfer by the Secretary of the Navy under section 7306(a) of such title of the aircraft carrier U.S.S. Saratoga (CV-60) to the U.S.S. Saratoga Museum Foundation, Inc., a foundation organized under the laws of the State of Florida.

And the Senate agree to the same.

Amendment numbered 195:

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

restriction on funding united states military personnel in somalia

Sec. 8135. None of the funds appropriated by this Act may be used for the continuous presence in Somalia of United States military personnel, except for the protection of United States personnel, after September 30, 1994.

And the Senate agree to the same.

Amendment numbered 198:

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment, as follows:

Delete the word "Congress" named in said amendment in four instances and insert in lieu thereof: Senate; and the Senate agree to the same.

Amendment numbered 199:

That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

Sec. 8139. Notwithstanding any other provision of law, the Secretary of a military department may enter into a contract for use of commercial or proprietary credit card services for augmenting or replacing any in-house account receivable system in use by a nonappropriated fund instrumentality under the jurisdiction of that Secretary if the Secretary determines that such contract is in the best interest of that department: Provided, That any Department of Defense initiative to contract for credit card services shall require full and open competitive procedures and be based on the program concepts determined by the military department(s) morale, welfare and recreation (MWR) and service division(s) affected by such initiative.

And the Senate agree to the same.

Amendment numbered 200:

That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

Sec. 8140. It is the sense of the Congress that the Secretary of Defense should name the new research facility under construction to house the Walter Reed Army Institute of Research, in honor of Senator Daniel K. Inouye.

And the Senate agree to the same.

Amendment numbered 201:

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment, as follows:

Delete the word "availability" named in said amendment and insert in lieu thereof: available; and the Senate agree to the same.

Amendment numbered 202:

That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment, as follows:

Delete the word "Senate" named in said amendment and insert in lieu thereof: Congress; and the Senate agree to the same.

Amendment numbered 204:

That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

Sec. 8144. All refunds or other amounts collected in the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be credited to current year appropriations.

And the Senate agree to the same.

Amendment numbered 207:

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

Sec. 8147. Of the funds appropriated by title VIII of Public Law 102-396 (106 Stat. 1899) for defense reinvestment for economic growth, the unobligated balance of the funds made available by such title for military service members occupational conversion and training shall remain available for obligation until September 30, 1995.

And the Senate agree to the same.

Amendment numbered 208:

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

Sec. 8148. Under the heading "Humanitarian Assistance" in title II of this Act, on line one, strike "For transportation for" and insert in lieu thereof "For": Provided, That the proviso contained under this heading in the Department of Defense Appropriations Act for 1994 (Public Law 103-139) is hereby repealed.

And the Senate agree to the same.

Amendment numbered 210:

That the House recede from its disagreement to the amendment of the Senate numbered 210, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

Sec. 8150. In addition to amounts appropriated elsewhere in this Act to the Department of Defense, $14,200,000 is authorized and appropriated only for the Utility Reconfiguration Project at the Philadelphia Naval Complex.

And the Senate agree to the same.

Amendment numbered 211:

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

Sec. 8151. Notwithstanding section 303(a) (5) and (6) of the Defense Production Act, or any other provision of law, the Department of Defense will negotiate and award an appropriate contract to the sole domestic producer of nuclear steam generator tubing for aircraft carriers, in an amount not to exceed $17,500,000 from funds provided in Public Law 103-139 for Defense Production Act Purchases.

And the Senate agree to the same.

Amendment numbered 212:

That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment, as follows:

In lieu of the sum "$78,265,000" named in said amendment insert: $93,265,000; and the Senate agree to the same.

Amendment numbered 213:

That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

Sec. 8153. No funds appropriated by this Act may be obligated or expended during fiscal year 1995 for retiring, or preparing to retire, any B-52H, B-1B, or F-111 bomber aircraft.

Sec. 8154. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

Sec. 8155. Amendments to Public Law 103-317 (including rescission).

(a) Of the funds appropriated under the heading, "Contributions to International Organizations" in Public Law 103-317, $4,561,000 are rescinded. In addition, under this heading in said Public Law, delete ", of which not to exceed $4,000,000 is available to pay arrearages, the payment of which" and substitute ": Provided, That any payment of arrearages made from these funds".

(b) Under the heading, "Payment to the Asia Foundation" in Public Law 103-317, delete "$10,000,000" and substitute "$15,000,000".

(c) Under the heading "Securities and Exchange Commission", "Salaries and Expenses", in Public Law 103-317, insert the following:

"For an additional amount for alaries and Expenses, $192,000,000: Provided, That such amount is available only upon enactment of legislation that continues for fiscal year 1995 the rate of fees collected under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)), as provided by Public Law 103-121 (107 Stat. 1168), at 1/29 th of one percent and that deposits the difference in such fees (between 1/50th of one percent and 1/29 th of one percent) as an offsetting collection to this appropriation: Provided further, That the total amount appropriated for fiscal year 1995 under this heading shall be reduced as such fees are deposited to this appropriation so as to result in a final total fiscal year 1995 appropriation from the General Fund estimated at not more than $74,856,000: Provided further, That any such fees collected in excess of $192,000,000 in fiscal year 1995 shall remain available until expended, but shall not be available for obligation until October 1, 1995.".

Sec. 8156. Of the amounts provided in title III of this Act, $304,900,000 are permanently canceled: Provided, That the Secretary of Defense shall allocate the amount of budgetary resources canceled by this section in an equal percentage to each program, project and activity funded in title III of this Act.

(rescission)

Sec. 8157. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following account in the specified amount:

"Aircraft Procurement, Navy, 1993/1995", $200,000,000.

(Transfer of Funds)

Sec. 8158. Of the funds provided in Title II of this Act under the heading "Operation and Maintenance, Defense-Wide", $500,000,000 shall be transferred to the following accounts in the specified amounts:

"Operation and Maintenance, Army", $140,000,000;

"Operation and Maintenance, Navy", $140,000,000;

"Operation and Maintenance, Marine Corps", $80,000,000;

"Operation and Maintenance, Air Force", $140,000,000.

And the Senate agree to the same.

Amendment numbered 214:

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

Titles I through VIII of this Act may be cited as the "Department of Defense Appropriations Act, 1995".

TITLE IX FISCAL YEAR 1994 SUPPLEMENTAL APPROPRIATION

The following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, namely:

Department of Defense

Management Funds

Emergency Response Fund

For the "Emergency Response Fund", $299,300,000: Provided, That these funds may be used to reimburse other appropriations of the Department of Defense available during fiscal year 1994 for costs incurred before the date of the enactment of this Act for emergency relief for Rwanda and for emergency migrant processing and safe haven costs in or around Cuba and may be used to reimburse other appropriations available to the Department of Defense for costs incurred for the same purposes: Provided further, That the entire amount under this heading is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That any change in the United States mission in Rwanda from one of strict refugee relief to security, peace-enforcing, or nation-building or any other substantive role shall not be implemented without the further approval of the Congress: Provided further, That no funds provided in this Act are available for United States military participation to continue Operation Support Hope in or around Rwanda after October 7, 1994, except for any action that is necessary to protect the lives of United States citizens.

And the Senate agree to the same.

John P. Murtha,

Norman D. Dicks,

Charles Wilson,

W.G. (Bill) Hefner,

Martin Olav Sabo,

Julian C. Dixon,

Peter J. Visclosky,

George (Buddy) Darden,

David R. Obey,

Joseph M. McDade,

C.W. Bill Young,

Bob Livingston,

Jerry Lewis,

Joe Skeen,

Managers on the part of the House.

Daniel K. Inouye,

Fritz Hollings,

J. Bennett Johnston,

Robert Byrd,

Patrick J. Leahy,

Jim Sasser,

Dennis DeConcini,

Dale Bumpers,

Frank R. Lautenberg,

Tom Harkin,

Ted Stevens,

Alfonse DAmato,

Thad Cochran,

Arlen Specter,

Pete V. Domenici,

Don Nickles,

Phil Gramm,

Christopher S. Bond,

Mark O. Hatfield,

Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4650), making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Department of Defense Appropriations Act, 1995, incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 103-562 and Senate Report 103-321 should be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary.

TITLE I MILITARY PERSONNEL

The conferees agree to the following amounts and end strength totals for the Military Personnel accounts as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

pay raise absorption

The fiscal year 1995 budget request provided a 1.6 percent pay raise for military personnel. The conferees agreed to an increase of 2.6 percent as authorized and have provided an additional $185,900,000 in the military personnel accounts. The conferees intend that the Department absorb the remaining cost within the funds made available in this Act.

medal for american servicemembers

On April 14, 1994, two U.S. F-15C fighter plane pilots enforcing the United Nations-mandated "no fly" zone in northern Iraq accidently shot down two U.S. UH-60 Black Hawk helicopters which were carrying fourteen American members of the Armed Forces, one American civilian, and eleven foreigners. These individuals were engaged in a United Nations peacekeeping mission in northern Iraqs "no fly" zone, and all of them were killed. The conferees believe that the fourteen members of the Armed Forces should be awarded posthumously the Purple Heart or other medal of distinction for their distinguished service to their country. The conferees direct the Secretaries of the Army and the Air Force to review this matter, and report back to the Committees no later than March 31, 1995.

Military Personnel, Army

Amendment No. 1: Appropriates $20,609,770,000 instead of $20,737,470,000 as proposed by the House and $20,629,770,000 as proposed by the Senate. Deletes Senate language concerning visas for officials of Taiwan and limitation on the use of funds for the Sandinista popular Army and security forces of Nicaragua.

The conference agreement on items addressed by either the House or the Senate is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

visas for officials of taiwan

The Senate recedes from its language concerning the provision of visas for officials of Taiwan. The conferees agree that appropriate officials of Taiwan should be permitted entry to the United States for the conduct of official business. Amendment of the Taiwan Relations Act falls outside the jurisdiction of the Appropriations Committees. The conferees defer action on this matter to the House Foreign Affairs and Senate Foreign Relations Committees.

Military Personnel, Navy

Amendment No. 2: Appropriates $17,569,137,000 instead of $17,692,537,000 as proposed by the House and $17,638,483,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

Military Personnel, Marine Corps

Amendment No. 3: Appropriates $5,774,871,000 instead of $5,816,671,000 as proposed by the House and $5,806,471,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

unemployment compensation

Prior to fiscal year 1984, the Department of Labor budgeted and paid the individual states for the Federal Governments share of applicable unemployment compensation for ex-servicemembers. Beginning in fiscal year 1984, the Department of Defense was required to budget for the costs of regular and extended unemployment benefits. P.L. 102-164 changed benefits, starting in FY 1992, from thirteen weeks after a four week waiting period, to twenty-six weeks with a one week waiting period.

The conferees are concerned that the Marine Corps budgeted for only thirteen weeks of unemployment compensation while the other Services budgeted for twenty-six weeks, consistent with existing legislation. If unemployment compensation costs accrue as expected, the conferees are amenable to considering a reprogramming request from the Department of Defense during fiscal year 1995 to meet the unbudgeted portion of the Marine Corps requirement. The Department is directed to ensure that the full twenty-six week unemployment compensation requirement is budgeted by each Service in future fiscal year military personnel budget submissions.

Military Personnel, Air Force

Amendment No. 4: Appropriates $17,181,479,000 instead of $17,311,379,000 as proposed by the House and $17,031,179,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

National Guard and Reserve Forces

The conferees agree to provide $9,253,945,000 in Reserve personnel appropriations, $8,841,011,000 in Operation and maintenance appropriations, and $800,000,000 in the National Guard and Reserve Equipment appropriation. These funds support a Selected Reserve strength of 979,254 as shown below.

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

military technicians

The conferees have included a new provision (Section 8118) which prohibits funds to be used to reduce military (civilian) technicians of the Reserve components for the purpose of applying any administratively imposed civilian personnel ceiling, freeze or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

The conferees are concerned that the phased reductions planned for civilian technicians will have a significant impact on the full-time support program of the Reserve components and on the readiness of Reserve units. The conferees direct that the report requested in this Section be submitted to the Congressional defense committees no later than March 15, 1995.

Reserve Personnel, Army

Amendment No. 5: Appropriates $2,161,620,000 instead of $2,183,620,000 as proposed by the House and $2,178,620,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

Reserve Personnel, Navy

Amendment No. 6: Appropriates $1,401,809,000 instead of $1,398,609,000 as proposed by the House and $1,418,723,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

transfer of lsts

The conferees agree that a robust lift capability must be maintained and believe that one way of assuring this capability is to transfer two excess LSTs to the Naval Reserve for homeporting at Pearl Harbor. These LSTs will provide a cost effective means of transporting Army and Marine troops and equipment from the island of Oahu to the island of Hawaii, as required, for training purposes. The conferees emphasize that these ships and their crews are to be considered a part of the Navys lift capability and that the crews of these ships are to be trained accordingly. Funding and personnel needed to accomplish this mission have been provided within the appropriate accounts. Reporting requirements contained in Senate Report 103-321 are to be adhered to. Reserve Personnel, Marine Corps

Amendment No. 7: Appropriates $348,748,000 instead of $354,048,000 as proposed by the House, and $351,098,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

Reserve Personnel, Air Force

Amendment No. 8: Appropriates $768,834,000 instead of $782,434,000 as proposed by the House and $774,834,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

National Guard Personnel, Army

Amendment No. 9: Appropriates $3,339,505,000 instead of $3,378,705,000 as proposed by the House and $3,371,605,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

theater aviation

The conferees agree with the Army in fielding the Theater Aviation Company to satisfy the remaining tactical fixed wing requirements. In completing this requirement, the Army is directed to adhere to the specific language on procurement adopted in the 1994 Act. Additionally, the Army is directed to reconsider the allocation of the Theater Aviation Company from COMPO 4 to the Army National Guard.

National Guard Personnel, Air Force

Amendment No. 10: Appropriates $1,233,429,000 instead of $1,238,029,000 as proposed by the House and $1,244,729,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

TITLE II OPERATION AND MAINTENANCE

A summary of the conference agreement is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

justification materials and reprogramming procedures

The conferees agree that proposed transfers of funds between 0-1 budget activity funding categories in excess of $20,000,000 are subject to normal reprogramming procedures. Moreover, due to continuing concerns about military force readiness, the conferees also agree that the Department shall notify the Congressional defense committees prior to transfers in excess of $20,000,000 from the following subactivity group categories:

O&M, Army

Operating forces: Combat units; Tactical support; Force related training/special activities; Depot maintenance.

O&M, Navy

Operating forces: Mission and other flight operations; Aircraft depot maintenance; mission and other ship operations; ship depot maintenance.

O&M, Marine Corps

Operating forces: Operational forces.

O&M, Air Force

Operating forces: Primary combat forces; Primary combat weapons; Air operations training.

Mobilization: Airlift operations.

In order to improve Congressional oversight and understanding of the Departments operation and maintenance program execution, the Department of Defense and military services are directed to adopt the following guidelines as they prepare the FY 1996 operation and maintenance budget justification materials:

For each subactivity group category, the justification materials must show dollar amounts for the most recent actual, the current year estimates, and the budget request estimate.

The current year estimates should be arrayed in columns which reflect the budget request, the appropriation amount, and a current execution estimate.

The current year appropriation amount for each subactivity group must be the same figure as reflected in the 0-1 tables included in this Conference Report and Statement of Managers.

A description of the difference between the current year appropriation and the current execution estimate must be supplied as part of the traditional reconciliation of increases and decreases.

Finally, the conferees agree that the current execution estimate reflected in the justification materials (at the budget activity group level) shall serve as the base for reprogramming except in those special cases noted above.

The conferees direct the Department to submit a Mid-Year Operation and Maintenance Execution Review, not later than April 1, 1995, to the Committees on Appropriations and Armed Services of the House and Senate.

depot maintenance

Both the House and Senate reports raised serious concerns regarding the DoDs policy on the public/private share of depot maintenance and competition for depot maintenance workloads. The reports directed by the House on these issues are to be provided to the Committees on Appropriations by February 15, 1995.

The conferees agree that public/private competition for depot maintenance workloads shall be reinstituted. Regarding public/private competition, the conferees believe interservicing common commodity workloads to "Centers of Excellence," as conceptually proposed by the Department, will result in greater long-term savings and efficiencies than periodic public/private competitions and should be given precedence in the immediate future. The conferees are concerned the military services are failing to submit interservicing candidates to the Office of the Secretary of Defense (OSD) for consideration, and fully expect the Department to propose specific depot interservicing proposals in conjunction with next years budget submission and base closure and realignment recommendations.

Further, the conferees agree that a robust depot maintenance program should be considered fundamental to preserving military readiness. Thus, the conferees direct the military services to allocate funding for depot maintenance programs requested in its annual budget submissions at levels equal to or greater than 80 percent of the annual requirements for airframes and aircraft engines, combat vehicles, ships, and ground communications and electronic equipment.

Finally, the conferees agree with the concerns cited in the House report regarding the role of DoD depot maintenance activities in providing non-defense services to entities outside the Department of Defense. The conferees direct the Department to specifically exclude from consideration during the base closure and realignment decision process any facilitys actual or potential provision of non-defense services (including revenues and workload resulting from non-defense activity), and to follow the reporting requirements in the House report.

family advocacy and child development

A summary of the conference agreement with respect to the Departments child development and family advocacy programs is provided in the table below:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

The conferees direct the Secretary of Defense to provide a report not later than December 15, 1994 to the congressional defense committees detailing the allocation and proposed use of all funds provided by these recommendations. Moreover, the conferees direct that at least $15,000,000 of these additional funds be allocated to forces and installations located in the Pacific region.

family advocacy program justification

The conferees direct the Department of Defense and the military services to revamp their O-1 justification breakout so that programs associated with child development and family advocacy and support are grouped into a single subactivity category.

outsourcing child care

The Department of Defense (DoD) is urged to investigate child care alternatives that provide appropriate services at lower costs. The conferees have been made aware of innovative private sector child care proposals that would obviate or reduce the need for construction of on-base Child Development Centers at some locations. The Pacific theater proposals that have been brought to our attention would yield significant savings in operating cost as well as cost avoidance in the military construction appropriation, while providing child care that meets or exceeds military standards. DoD is encouraged to solicit proposals and conduct one or more demonstration projects to test the viability of outsourcing child care at locations where this approach is practical.

recruiting and advertising

The conferees agree to provide an increase totalling $88,700,000 for Department of Defense and military service recruiting and advertising programs. In a related matter, research has determined that national advertising is a cost-effective method to attract young people into the military. However, there has been no research to investigate the relative cost-effectiveness of local versus national advertising. Accordingly, the conferees direct the Department of Defense to conduct a study to determine the comparative effectiveness of national versus local advertising. A report documenting the study results should be forwarded to the House and Senate Committees on Appropriations and Armed Services by May 1, 1995.

civilian personnel

The conference agreement reflects several adjustments affecting the Departments civilian personnel programs. Funds have been added to various operation and maintenance, research and development, and other accounts to partially cover the civilian personnel pay raise and locality pay increases. Also, funding has been provided to cover the anticipated civilian separation costs engendered by passage of the Federal Workforce Restructuring Act. These increases are more than offset by reductions made to reflect lower-than-planned civilian personnel levels at the start of fiscal year 1995.

war colleges

In the fiscal year 1994 Appropriations Conference report (H. Report 103-339), the conferees requested that the Department provide a study on consolidation of command and staff colleges, war colleges, and their administration. A report was provided as requested; however, it appears that the selection of study panel members with duties and responsibilities that would be directly affected by the studys conclusions resulted in a report with little objectivity and recommendations determined in advance of analysis. In particular, the recommendation supporting the retention of all war colleges is based on a specious argument that the war colleges must train greater numbers of future leaders in these times of relative peace to prepare for future threats. This rationale is inconsistent with testimony from Department witnesses who claim that there are theaters in conflict all over the globe involving U.S. forces and that todays threats are more diverse and challenging than in the past. Additionally, the conferees are disturbed that the services are not applying this rationale to the training of the senior non-commissioned officer (NCO) corps. Professional development training for senior NCOs has been reduced in recent years.

The conferees are not convinced that student loads at the war colleges need to increase. Unfortunately, classes that will be in attendance during fiscal year 1995 have already begun and a student load reduction at this time would be disruptive. The timing of a reduction in the student population should precede permanent change of station moves and the beginning of the academic year. Thus, the conferees agree to make no reductions to the Departments war college appropriation requests for fiscal year 1995. However, the conferees direct the Department to reduce fiscal year 1996 war college student loads consistent with the force structure reductions so that the number of graduates each year will be the same percentage of the total force as before the drawdown. The conferees will revisit this issue if the Department fails to comply with this direction.

Finally, the conferees are convinced that the joint education program and broad-based curriculum of the National Defense University should serve as a model for all Department of Defense graduate military educational institutions. Likewise, the Naval War Colleges efforts to vertically integrate the Navys graduate education infrastructure are viewed by the conferees as having important lessons for the other military services. The conferees intend to continue to work with each of the services and the Office of the Secretary of Defense to chart a course of DoD graduate military education that meets both the changing military and fiscal imperatives facing our forces.

revolving fund rebates

The conferees agree to funding reductions approved by the Senate based on changes in Military Sealift Command price rates and expected supply operation productivity enhancements. In doing so, the conferees expect the Department to "rebate" savings from the appropriate Department of Defense revolving fund to exactly offset the related reductions made to the various operation and maintenance accounts. These rebates should be made no later than March 1, 1995.

maintenance of military turbine (jet) engines

The Department of Defense can earn substantial savings by expanding competition for depot maintenance of equipment common to the military and industry, specifically commercially developed airline turbine (jet) engines. The conferees note that two engines in particular offer substantial opportunities for savings: 1) the military F108 which is the CFM56-2 airline engine, and 2) the military TF33 engine, which is the JT3D airline engine.

Commercial jet engines operated by the military, as well as other commercial "variants", provide significant opportunities for private maintenance. Expanding such support meets the letter and spirit of Vice President Gores "National Performance Review" for reinventing government to increase efficiency and save money. Thus, the conferees direct the Department to submit a report to the Committees on Appropriations of the House and Senate detailing a proposal for expanding competition for commercial jet engines no later than January 15, 1995. The conferees intend to work with the Department to clearly establish the scope and direction of this proposal.

support to non-governmental organizations

The conferees share the concerns of the House on the issue of the Department of Defenses participation in conventions, conferences, seminars and symposia sponsored by non-governmental organizations, especially national military associations and professional and technical organizations. The conferees are concerned that at a time when training funds are limited and basic proficiency training for junior military personnel is being rationed, too much of the Departments discretionary training and educational resources may be used by senior military and civilian personnel to attend conventions of questionable content in terms of professional development.

The conferees understand that commanders currently monitor the expenditures related to support of and participation in conventions, conferences, seminars and symposia. Therefore, creating and maintaining a tracking system is unnecessary at this time. Instead, the conferees believe the Secretary of Defense should take a fresh look at the process by which the Department determines the value of such activities to the Department.

The conferees direct the Secretary to establish an independent panel to: (1) review current certification procedures for events sponsored by non-governmental organizations; (2) survey as comprehensively as possible the professional development content of such conventions, conferences, seminars and symposia during the past year; and (3) outline a process for monitoring the professional development content of such conventions, conferences, seminars and symposia. The conferees believe the Department should consider an evaluative scale to measure the professional development content of such events. The Secretary should provide the results of this survey not later than June 1, 1995.

The conferees wish to emphasize that non-governmental associations perform a valuable function. For example, the Department needs to have the means to discuss resource priorities and program objectives with private citizens and companies without giving one company an unfair advantage. Nonetheless, the conferees believe closer attention is needed on the true professional content of these events.

stu-III program

The conferees provide $3,000,000 to DOD for the procurement of STU-IIIs. The additional funds are appropriated to the following operation and maintenance accounts: Army, $1,000,000; Navy, $1,000,000; and Air Force, $1,000,000. DOD is currently reallocating funds for STE, a follow-on program to the STU-III program. Currently the STE program does not have an executable budget. Therefore, the conferees direct that the Secretary of Defense report no later than thirty days after enactment of this bill, the total dollars in the fiscal year 1995 request for STE development. Furthermore, the conferees direct that no funds budgeted in fiscal year 1995 for STE development may be executed without prior approval from the Appropriations Committees. The conferees direct the Secretary of Defense to submit by February 15, 1995 a subsequent report which includes the following: (1) a technical definition of the proposed STE system and (2) a five year plan outlining research and development milestones and (3) a five year procurement schedule. Funds appropriated for STE may not be spent for any other purpose but secure communications; however, the conferees will consider a request to reprogram fiscal year 1995 funds for STE development. Furthermore, the conferees direct that DOD breakout all STE funding in their fiscal year 1996 budget request.

operation and maintenance, army

Amendment No. 11: Appropriates $17,507,088,000 instead of $17,836,504,000 as proposed by the House and $17,475,806,000 as proposed by the Senate.

Amendment No. 12: Deletes House language making $150,000,000 for real property maintenance available for obligation until September 30, 1996.

Amendment No. 13: Restores House language making $388,599,000 available only for conventional ammunition care and maintenance; amends House language making $5,800,000 available only for removal of equipment and the repair and restoration of structures at the National Center for Toxicological Research in Jefferson, Arkansas; deletes House language prohibiting obligation of $473,763,000 until authorized; inserts Senate language making available not less than $5,000,000 only for payment to the DOD 50th Anniversary of World War II Commemoration Appropriation; inserts language making $9,500,000 available only to purchase an easement for use by the Army at Schofield Barracks Military Reservation; and inserts language allowing the Army to obligate not to exceed $2,000,000, if matched by contributions from other parties, for a remediation effort at Cordova, Alaska.

The conference agreement is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

cordova roundhouse cleanup

Of the funds provided for Base Support (O-1 line 600), the conferees provide $2,000,000 and statutory authority for the Secretary of the Army to contribute up to $2,000,000 to efforts to clean up the Army Round House oil pit at Cordova, Alaska. This site was utilized by the Army during World War II, and subsequently by other commercial ventures. Local authorities are seeking to arrange a multi-party solution to this contamination hazard, where private sector entities with responsibility will contribute to the cleanup effort, without engaging in litigation. The Secretary may only obligate these funds to the extent the private sector parties contribute to this effort.

conservation programs

The conferees have provided an increase of $5,700,000 in the "Operation and Maintenance, Army" account only to proceed with the proposed ecosystem management program in the State of Hawaii as defined by the Senate.

waste water treatment

The conferees agree with the Senates concerns regarding waste water disposal at military installations in the State of Hawaii. To this end, the conferees have provided an increase of $9,500,000 in the "Operation and Maintenance, Army" account to purchase a seven year easement from the Waialua Sugar Company on the Island of Oahu for the discharge of waste water produced by military activities. The conferees have included bill language to implement this recommendation. The conferees further agree to provide an increase of $750,000, as recommended by the Senate, to continue the analysis and planning efforts of the joint agency waste water task force which has been established by the Army.

army high performance computing research center

The conferees direct that the Army High Performance Computing Research Center shall not be moved from its current location unless analyses, which consider the costs of relocating the Center, indicate it is cost effective to do so.

MILITARY ENTRANCE PROCESSING COMMAND

The conferees are concerned that examining costs per accession are increasing beyond expected rates. The Army is directed to review examining costs and take appropriate action should it be warranted to keep examining costs per accession at the prior year level plus inflation only. The conferees estimate that $3,400,000 could be made available to meet other efforts, such as automation upgrades required at the Military Entrance Processing Stations (MEPS) and recommend that any savings identified be reapplied to this effort. Application of these funds to automation will yield future savings by improving the efficiency of the current records management system.

Operation and Maintenance, Navy

Amendment No. 14: Appropriates $21,054,470,000 instead of $21,316,555,000 as proposed by the House and $21,275,770,000 as proposed by the Senate.

Amendment No. 15: Deletes House language making $200,000,000 for real property maintenance available for obligation until September 30, 1996.

Amendment No. 16: Deletes House language prohibiting obligation of $1,206,359,000 until authorized and deletes Senate language making not less than $2,436,700,000 available for depot maintenance, repair and overhaul of Navy ships prior to September 30, 1995.

Amendment No. 17: Inserts Senate language making $45,874,000 available only for the Pacific Missile Range Facility, Hawaii.

Amendment No. 18: Deletes Senate language making available $1,000,000 for environmental activities at the Derecktor Shipyard and inserts language making $46,300,000 for shipyard modernization available for obligation until September 30, 1996.

The conference agreement is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

pacific missile range facility

The conferees agree with the Senate initiative to improve the capabilities of the Navys Pacific Missile Range Facility and have provided an additional $21,500,000 in the "Other Procurement, Navy" appropriations account and an additional $6,200,000 in the "Operation and Maintenance, Navy" appropriations account for these purposes. The additional funds provided in the "Operation and Maintenance, Navy" account for a $5,400,000 communications project and for an $800,000 range resources effort must be used for the same purposes for which the Senate originally recommended their inclusion in the "Other Procurement, Navy" account.

naval academy

The conferees agree to provide the full amount requested for the Naval Academys Bancroft Hall renovation and the Shore Life Extension Program.

nimitz center

As proposed by the Senate, the conferees direct the Department of the Navy, in cooperation with the Office of the Secretary of Defense, to establish a Chester W. Nimitz Center. This center is to be modeled after the Marshall Center program recently established in the European theater. The conference agreement provides $3,000,000 for this purpose.

joint warfare analysis

The conferees agree to provide $1,500,000 to support the establishment of a Joint Warfare Analysis program at the Naval Post Graduate School. These funds are intended to be in addition to the amount proposed for the Naval Post Graduate School in the Presidents Fiscal Year 1995 budget request.

lcu transportation

The conferees direct that the Department of the Navy use up to $850,000, from within funds made available under this heading, to transport an LCU ship to American Samoa, per the conferees instruction in the Fiscal Year 1994 Defense Appropriations Act.

floating drydock lease

The conferees note that the Navy continues to ignore Congressional directions included in prior Authorization and Appropriations bills to re-lease the floating drydock (AFDM-3) to a ship and repair firm in the area of Mobile, Alabama. The Navy approved the lease for a full term of its five-year option, the original lease terms expired in July and have been extended through a series of 3-month extensions since that time. The conferees direct the Secretary of the Navy to comply with previous Congressional direction and to report to the Committees on Appropriations and Armed Services of the House and Senate by December 1, 1994 on actions taken to re-lease the floating drydock.

derecktor shipyard

The conferees have provided an increase of $1,000,000 in the Operation and Maintenance, Navy account. The conferees direct that these funds shall only be available for environmental hazard response and remediation activities at facilities owned by the Department of the Navy at the Derecktor Shipyard, Newport, Rhode Island.

Operation and Maintenance, Marine Corps

Amendment No. 19: Appropriates $1,988,215,000 instead of $2,097,395,000 as proposed by the House and $1,968,965,000 as proposed by the Senate.

Amendment No. 20: Deletes House language making $60,000,000 for real property maintenance available for obligation until September 30, 1996 and deletes House language prohibiting obligation of $100,300,000 until authorized.

The conference agreement is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

Operation and Maintenance, Air Force

Amendment No. 21: Appropriates $18,763,427,000 instead of $18,913,050,000 as proposed by the House and $18,786,243,000 as proposed by the Senate.

Amendment No. 22: Deletes House language making $84,000,000 for real property maintenance available for obligation until September 30, 1996.

Amendment No. 23: Deletes House language prohibiting obligation of $179,592,000 until authorized.

Amendment No. 24: Deletes Senate language providing $8,000,000 for the upgrading of CAMS/REMIS and inserts language allowing the Secretary of the Air Force to acquire real property near King Salmon Air Force Station.

The conference agreement is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

b-26 aircraft

The Secretary of the Air Force is directed to transfer all rights, title, and interest of the Air Force to one of the World War II, Korean, or Vietnam era B-26 type aircraft at the United States Air Force Museum, Wright-Patterson Air Force Base, to the Louisiana National Guard, unless the Air Force Museum or Secretary of the Air Force can execute the direct exchange of a B-26 from the Chilean National Aviation Museum to the Louisiana National Guard by January 15, 1995. The Air Force Museum is directed to ensure that the Chilean B-26 provided to the Louisiana National Guard is in display condition. The conferees direct the Air Force to provide a status report on the progress of this exchange to the Committees on Appropriations within 35 days of the enactment of this Act.

macdill afb airfield operations

Based on a recent decision by the Office of the Secretary of Defense that the Air Force budget shall fund the operations of the MacDill AFB airfield to support CENTOM and USSOCOM, the conferees agree to provide an additional $5.5 million for airfield operations at MacDill AFB.

contractor operated parts stores (copars)

The conferees direct the General Accounting Office (GAO) to conduct a cost comparison study of the COPARS program and alternative programs the Air Force is considering to replace COPARS. The GAO shall report its findings to the Committees on Appropriations and Armed Services of the House and Senate no later than May 1, 1995. The conferees intend to work with the GAO to determine the scope of this study.

idaho training range

The conferees direct that no funds appropriated in this Act be obligated for acquiring equipment for or operating the Air Forces proposed Idaho training range until the Secretary of Defense provides the Congressional defense committees with a long-term land-use plan for the proposed expansion and explains why existing facilities are unable to be used in lieu of the new acquisitions. Also, the conferees direct that the Secretaries of Defense and Interior jointly provide an explanation of how the Engle Act applies to this land transfer and what has been done to resolve the issue of aboriginal rights to the land in question.

air force plant #3

The conferees support section 2307 of the National Defense Authorization Act for Fiscal Year 1995. This section makes up to $10,000,000 available to proceed with the modification of Air Force Plant #3, Tulsa, Oklahoma. The conferees direct the Department of the Air Force to proceed with this authorized modification with the conditions set forth in the authorization act.

environmental remediation at king salmon afs

The conferees include new bill language providing the Secretary of the Air Force authority to acquire additional property adjacent to King Salmon Air Force Station only for the purpose of completing an on-going environmental response action in accordance with C.E.R.C.L.A. and the Air Force Installation Restoration Program.

Operation and Maintenance, Defense-Wide

Amendment No. 25: Deletes Senate language "(including transfer of funds)".

Amendment No. 26: Appropriates $10,500,104,000 instead of $8,945,266,000 as proposed by the House and $9,986,654,000 as proposed by the Senate and deletes Senate language transferring $100,000,000 from the National Defense Stockpile Transaction Fund.

Amendment No. 27: Inserts Senate language making available $20,000,000 for repair and maintenance of federally owned education facilities located on military installations.

The conference agreement is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

real property maintenance

The conferees agree to provide $500,000,000 to reduce the military services real property maintenance backlog. These funds are to be allocated in the following manner, as prescribed in Title VIII, Section 8158:

Army $140,000,000

Navy 140,000,000

Marine Corps 80,000,000

Air Force 140,000,000

The conferees intend for these funds to be used first to offset repair backlogs engendered by general reductions to the Services operation and maintenance accounts. Once this is done, the conferees direct the Department to make reducing the backlog of maintenance and repair of enlisted servicemembers barracks its top priority. It is the conferees intent that these funds shall be used for repair and maintenance projects of the same type and under the same dollar limitations as found in all other accounts in title II of this Act.

Of the funds provided for the Army, $1.4 million shall be used for the Ft. Bragg Water Quality Compliance project.

Of the funds provided for the Air Force, $2.2 million shall be used to repair dormitories and runways at Cannon AFB.

auditors and contract administration personnel

The conferees agree that reductions proposed by the House to reduce the number of auditors and contract administration personnel assigned to the Defense Contract Audit Agency and Defense Contract Management Command would have adversely affected the operations of these two agencies. Thus, the conferees agree to reduce the Defense Contract Management Commands budget request by $36,500,000, as recommended by the Senate. However, the conferees are convinced that additional savings can be achieved, in light of the decline in government procurement and implementation of DOD acquisition reforms, by consolidating field offices and reducing the frequency of visits to defense plants.

The conferees agree with the House proposal that the Department conduct a comprehensive manpower survey of auditing and contract administration functions. Additionally, the conferees direct the Defense Logistics Agency to establish a task force to review Federal Acquisition Regulation requirements levied on DCAA and DCMC and that the DCAA reduce its incurred cost audit backlog to one year by 1997.

federal energy management program

The conferees direct that within funds provided for the Federal Energy Management Program, $2,500,000 be reserved for energy improvements involving two wheel super high efficiency desiccant dehumidification and cooling systems.

legacy

The conferees have provided $50,000,000 to continue the Legacy program, an increase of $40,000,000 to the budget request. The conferees direct the Department of Defense to submit a report providing an allocation of the fiscal year 1995 funds by project, a short description of each effort, and the projected total cost of each effort.

The conferees further agree with the Senate view that research and development efforts should be funded within the research, development, test and evaluation accounts. The conferees direct that no Legacy funds may be obligated for technology projects.

The conferees further restate the direction, previously approved by Congress, that a resident coordinator for the Pacific Environmental Leadership Effort (PELE), funded within the Legacy program, should be selected and based in the Pacific region.

land management

The conferees direct that $2,500,000 of the funds available for environmental compliance activities within the "Operation and Maintenance, Defensewide" account shall be made available only to establish a land management training center as recommended by the Senate.

defense mapping agency

The conferees direct that of the funds available $1,000,000 is only for surveying, data base compilation and maintenance to support the digitization and improvement of navigational charts for the Lower Mississippi River (Gulf of Mexico to mile 223) to ensure strategic access.

medical supplies transportation

The conferees agree to provide $5,000,000 in the Operation and Maintenance, Defense-wide account to sustain the Departments efforts to return excess military medical supplies and equipment from Europe to the United States for use by Native Americans, local governments, and other deserving groups.

project peace

The conferees direct the Department to provide an assessment to the congressional defense committees by February 1, 1995 on the cost-effectiveness of scrapping and recycling Soviet naval vessels and other equipment at U.S. shipyards and facilities.Operation and Maintenance, Army Reserve

Amendment No. 28: Appropriates $1,243,209,000 instead of $1,240,109,000 as proposed by the House and $1,253,709,000 as proposed by the Senate.

Amendment No. 29: Inserts Senate language directing the Undersecretary of Defense for policy to transmit the Rand Corporation Study on The United States Role in Possible Middle East Peace Settlements to the congressional defense, intelligence and foreign affairs committees.

The conference agreement is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

Operation and Maintenance, Navy Reserve

Amendment No. 30: Appropriates $831,219,000 instead of $834,119,000 as proposed by the House and $827,819,000 as proposed by the Senate.

Amendment No. 31: Deletes House language prohibiting obligation of $6,300,000 until authorized.

The conference agreement is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

Operation and Maintenance, Marine Corps Reserve

Amendment No. 32: Appropriates $81,862,000 instead of $83,542,000 as proposed by the House and $80,562,000 as proposed by the Senate.

Amendment No. 33: Deletes House language prohibiting obligation of $2,080,000 until authorized.

The conference agreement is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

marine corps reserve aviation

The conferees agree with the Senates concerns that Marine expeditionary forces may not have enough dedicated airborne power. In addition to the reporting requirement expressed in the Senate report, the conferees direct that the deactivation of the two Marine Reserve jet squadrons be delayed until the formal review and the requested report is received by the Committees on Appropriations and Armed Services of the House and Senate.

Operation and Maintenance, Air Force Reserve

Amendment No. 34: Appropriates $1,471,505,000 instead of $1,486,805,000 as proposed by the House and $1,455,872,000 as proposed by the Senate.

Amendment No. 35: Deletes House language prohibiting obligation of $5,473,000 until authorized.

The conference agreement is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

Operation and Maintenance, Army National Guard

Amendment No. 36: Appropriates $2,440,288,000 instead of $2,498,868,000 as proposed by the House and $2,442,135,000 as proposed by the Senate.

Amendment No. 37: Restores House language earmarking $10,000,000 for a National Guard Outreach Program in the Los Angeles School District and deletes House language prohibiting obligation of $50,253,000 until authorized.

The conference agreement is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

Operation and Maintenance, Air National Guard

Amendment No. 38: Appropriates $2,772,928,000 instead of $2,797,978,000 as proposed by the House and $2,780,178,000 as proposed by the Senate.

Amendment No. 39: Earmarks $9,200,000 as proposed by the Senate instead of $1,500,000 as proposed by the House for C-130 operational aircraft of the 159th Air National Guard Fighter Group.

Amendment No. 40: Inserts Senate language to include the 146th Airlift Wing and the South Carolina Air National Guard 169th Fighter Group unit.

Amendment No. 41: Deletes House language prohibiting obligation of $17,800,000 until authorized.

The conference agreement is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

contracted flight training service (cfts)

The conferees are aware of the savings associated with Contracted Flight Training Service (CFTS) for the Air Force and the Air National Guard. Accordingly, the Air Force and the Air National Guard are directed to include funding for the CFTS in the fiscal year 1996 budget request. In addition, the conferees discourage the Department from any attempts to reprogram fiscal year 1995 funds from CFTS.

c-130 operations/east coast tanker task force

The conferees agree to provide $21,600,000 to continue certain Air Guard C-130 aircraft operations. These funds will be used to sustain current aircraft operations in Louisiana and South Carolina ($1,500,000 for each unit); support an increase in aircraft assigned to Air Guard units located at Nashville, TN ($4,300,000), Martinsburg, WV ($5,000,000), and Louisville, Kentucky ($4,300,000); and maintain C-130 operating levels of the 146th Airlift Wing in California ($5,000,000).

The conferees also provide $2,000,000 to begin ramp-up activities connected with the transfer of the East Coast Tanker Task Force mission from the Air Force to the Air National Guard in fiscal year 1996. The conferees authorize 50 additional military technicians for fiscal year 1995 in support of activities associated with the Air National Guard assuming this mission.

environmental restoration, defense

Amendment No. 42: Appropriates $1,780,200,000 instead of $1,880,200,000 as proposed by the House and $2,034,075,000 as proposed by the Senate.

SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS, DEFENSE

Amendment No. 43: Deletes House language making funds available for Support for International Sporting Competitions, Defense, and inserts and amends Senate language appropriating $14,400,000 for the Summer Olympics and $3,000,000 for the Special Olympics.

In addition, the conferees agree to House report language directing the Department to include in the fiscal year 1996 budget request an exhibit showing obligations and expenditures for these games. The conferees also agree to insert Section 8104 which extends the availability of prior year funds.

Humanitarian Assistance

Amendment No. 44: Appropriates $65,000,000 instead of $60,000,000 as proposed by the House and $71,900,000 as proposed by the Senate.

Amendment No. 45: Earmarks $10,000,000 as proposed by the Senate instead of $12,000,000 as proposed by the House for clearing of landmines for humanitarian purposes.

Former Soviet Union Threat Reduction

Amendment No. 46: Appropriates $400,000,000 for Former Soviet Union Threat Reduction as proposed by the Senate and amends Senate language concerning demilitarization and protection of weapons, components, technology, and production infrastructure.

Real Property Maintenance, Defense

Amendment No. 47: Deletes Senate language making $500,000,000 available for obligation until September 30, 1996.

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

o&m information technology reductions

The conferees agree to $50,000,000 in general reductions in each of the services and Defense-Wide accounts. These reductions shall be allocated at the discretion of each of the services and Defense-Wide designated resource manager only within automatic data processing accounts, and shall not be allocated to any congressional interest item.

distance learning

The conferees provide $7,500,000 for the initiation of a distance learning regional training network demonstration project. The conferees direct that this funding is provided only for a distance learning regional training demonstration project for Pennsylvania, West Virginia, Virginia, Maryland, and the District of Columbia. The Chief, National Guard Bureau will be the executive agent for executing this project, in coordination with the Chief of Army Reserve, and the Defense Information Systems Agency (DISA). The Executive Agent is required to report on the status of the project to the Congress by April 1, 1995. No reprogramming of these funds shall be done without prior approval of the Congress. The conferees are also aware of the Advanced Technology Regional Battle Training Center initiative for the Reserve Components and encourage the Army to include this program in its fiscal year 1996 budget submittal.

sustaining base information system

The conferees do not agree to the O&M funding reduction recommended by the House, but do agree to deny funds for SBIS procurement in fiscal year 1995. The conferees do not agree to bill language proposed by the House requiring completion of a comprehensive functional description for the system. The conferees instead direct that the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence submit a report to the congressional defense committees by April 1, 1995 which certifies that the Army has a detailed definition of the total program, the associated life cycle cost, a system of metrics in place to ensure that SBIS program cost objectives are attained, and a current return-on-investment analysis for the life cycle of the program.

automated document conversion

The conferees agree to the House proposal on automated document conversion and have provided $20,000,000. The conferees agree that DoD should submit a master plan as proposed by the House, to be submitted by April 1, 1995. The conferees also understand that there are many sites which have the need to convert logistics, acquisition, education and training, and personnel documents. The conferees encourage DoD to share the results of the ADCS-JEDMICS integration project with other DoD communities which have a need for automated document conversion. The conferees do not intend that DoD withhold obligation of the $20,000,000 provided in this Act until the master plan is submitted. The conferees direct that the Defense Department establish standards for future automated document conversion systems and processes.

high performance computing modernization

The conferees agree to provide $163,048,000 for high performance computing modernization, of which $73,048,000 is in the RDT&E, Defensewide appropriation and $90,000,000 is in the Procurement, Defensewide appropriation. The conferees support expansion of the Departments High Performance Computing Modernization Plan. The conferees recommend a general provision requiring only a modest program expansion during fiscal year 1995. The conferees also applaud completion of the Updated High Performance Computing Modernization Plan, but wish to express concern over an important issue. The plan measures system performance using theoretical peak speed. The Department is directed to also include actual, deliverable, and sustained performance in evaluating competing systems.

defense-wide and naval information technology modernization

The conferees have provided $22,500,000 in additional funds in the Navy Operation and Maintenance and Defense-Wide procurement accounts for information technology modernization and other improvements, and for Naval and DoD activities as described in section 8107. The conferees adopted House language regarding the development and maintenance of the Naval active and reserve single Source Data Collection system except that the Naval Bureau of Personnel shall remain the Program Manager for definition of functional requirement and priorities. To meet an important Department requirement and request, the conferees have provided additional funding for the establishment of a continuity of operations (COOP) center to avert the disruption of operations and provide for the preservation of computer data for the DoD data center consolidation and megacenter initiative. The conferees direct DoD to establish this center in fiscal year 1995. Of the funds appropriated under section 8107 for these activities, the conferees have provided $8,000,000 in Defense-Wide procurement and $5,000,000 in Defense-Wide operation and maintenance funds for the establishment of the COOP center. The remaining $5,000,000 in Defense-Wide operation and maintenance funding under section 8107 shall be used for DoD requirements for central design activity software and development for DoD finance and accounting activities as well as occupational conversion, training, and transition assistance for DoD and Naval activities at the Naval Support Activity and F. Edward Hebert Complex, New Orleans. These funds should also be used to initiate a prototype for using National Finance Center cross servicing functions for some financial management and personnel services at DoD as recommended by Military Department Comptrollers early this year. The $4,500,000 in Navy operation and maintenance funds shall also be used at the Naval and DoD facilities and activities just described above and as directed in section 8107 except that $2,000,000 is only for single Source Data Collection system activities. The conferees concur with the House report direction, pages 59-60, regarding CIRIMS and certain reserve personnel, training and financial management systems remaining under the operational control of Naval Reserve activities. The conferees expect this direction to be followed.

The conferees have not included language restricting certain DoD information technology, central design activity, data processing, and personnel function consolidation or realignment plans pending cost justification and mission impact reports from DoD. The conferees believe some serious efforts are being made to weigh future information technology, personnel or DoD function consolidations in terms of operational readiness, customer satisfaction, and which plans are the most cost effective from a business standpoint. The conferees will carefully monitor this situation in the event that such issues need to be addressed next year.

TITLE III PROCUREMENT

Aircraft Procurement, Army

Amendment No. 48: Appropriates $1,063,164,000 for Aircraft Procurement, Army, instead of $1,264,198,000 as proposed by the House and $1,062,581,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

army aviation

The Senate report expressed concern with the lack of effective Army management of its aviation investment programs, noting the apparent absence of Army leadership support for these programs and an unwillingness to invest sufficient resources to provide for efficient transition between production of on-going and follow-on programs. Noting that the Army was apparently unable to resolve this problem, the Senate directed the Army to recompete the Comanche and Apache Longbow programs to lower long term costs, and allow Army funding to match its plans. The House did not address the issue.

The conferees share the concerns of the Senate regarding the unwillingness of the Army to provide sufficient investment funding to support what the Army stipulates are its highest priorities. This concern is underscored by the Armys plans to cancel the UH-60 program and to underfund the FY 1996 requirement for Comanche. However, the conferees have reserved judgment on the Senates approach. The Army believes it can bridge the self-imposed production gaps within the funding it has available. The conferees have agreed to let the Army demonstrate this capability. Therefore, the Senate recedes from its direction to mandate a recompetition.

The conferees remain concerned with the long term viability of the helicopter industrial base, given the reduced number of production programs. The conferees urge the Army to work with the private sector to determine how to preserve needed industrial capability, while reducing the overhead cost of duplicative organizations and infrastructure. The consolidation of the tactical fixed-wing aircraft and space launch industrial bases may serve as a useful model for the changes that are inevitable in the rotary wing sector.

spares and repair parts

The conference agreement includes $47,242,000 for spares and repair parts as proposed by the House instead of $47,742,000 as proposed by the Senate. The conferees agree that within the funds provided, $500,000 shall be used for procurement and fielding of one CH-47 maintenance tool and equipment set for the Army National Guard.

Amendment No. 49: Inserts and amends Senate proviso, requiring the Secretary of the Army to report on the concept, organization, requirements, and mission need documents for the High Capacity Air Ambulance, utilizing low cost fixed wing aircraft no later than April 15, 1995.

missile procurement, army

Amendment No. 50: Appropriates $813,795,000 for Missile Procurement, Army instead of $728,095,000 as proposed by the House and $707,895,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

MLRS Rockets

The conference agreement includes $26,100,000 for the MLRS rocket program. The conferees agree that this amount includes $16,100,000 for production facilities for the self-destruct fuze for the rocket bomblets. The remainder of the funds, together with available prior year appropriations, supports production at 500 rockets per month until the extended range version of the rocket enters production. The conferees direct the Army to provide prior notification to the Committees on Appropriations and Armed Services if the production rate is expected to exceed 500 per month during this bridge period.

Amendment No. 51: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

procurement of weapons and tracked combat vehicles, army

Amendment No. 52: Appropriates $1,151,914,000 for Procurement of Weapons and Tracked Combat Vehicles, Army instead of $1,001,873,000 as proposed by the House and $1,129,514,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

bradley fighting vehicle modifications

The conference agreement includes $82,812,000 for Bradley Fighting Vehicle modifications. Included in this amount is $7,500,000 for armor tiles, as proposed by the Senate, and $13,100,000 for procurement of three battalion sets of interchangeable spares kits for Bradley A0 vehicles to give them the capability to fire and guide the TOW 2 family of missiles, as proposed by the House. The remainder of the funds represent a reduction of $10,300,000 below the budget and are to be used for fully funded procurement of modification kits.

tank engine industrial base

The conference agreement includes $35,000,000 for the tank engine industrial base program as proposed by the Senate instead of $15,000,000 as proposed by the House. The conferees agree that $6,000,000 of this amount shall be used for plant downsizing. In addition, $9,000,000 shall be used for system technical support and engine durability upgrade efforts. Finally, $20,000,000, combined with $12,500,000 of unobligated funds from the fiscal year 1994 program (a total of $32,500,000) shall be used for engine overhaul/upgrade/service life extension/spare parts in a program to be jointly developed by the Army and the contractor. Prior to obligation of these overhaul/upgrade/service life extension/spare parts funds, the Army shall report to the Committees on Appropriations of the House and Senate on the specific details of the program that has been developed and show future costs by category for the entire tank engine industrial base effort.

The conferees agree that none of the funds appropriated for this effort may be used for procurement of new engines.

abrams tank upgrade program

Both the House and the Senate supported the budget request for the Abrams tank upgrade program. This included $122,156,000 for 34 upgrades and $52,973,000 for advance procurement for fiscal year 1996. The fiscal year 1996 procurement will begin Phase II of the upgrade program which is intended to support the upgrade of 792 tanks at a rate of 120 per year. In addition, the conference agreement supports an increase of $108,000,000 for the conversion of an additional 24 tanks in fiscal year 1995, to be offset by a transfer of the same number of M1A1 tanks to the Marine Corps reserve at no cost to the Army. The conferees agree with Senate direction that the Army shall report prior to obligation if these additional funds are insufficient to support upgrade of 24 tanks.

The House report encouraged the Army to consider multiyear procurement for the Phase II tank upgrade program and the authorization conference action authorizes such an approach. The conferees note, however, that section 8010 of this Act does not provide the necessary authorization to use funds in this Act to initiate multiyear procurement for the M1 tank upgrade program in fiscal year 1995. Neither House nor Senate appropriations bill supported such authorization this year.

The conferees agree that multiyear procurement for Phase II continues to be worthy of consideration. However, the Armys reported "defunding" of the upgrade program in fiscal year 1996 and the Congressional correction of this action by providing an additional $108 million in fiscal year 1995 refute the contention that this is now a stable program. Furthermore, no production upgrade tanks have yet been delivered; the six prototypes have just recently begun tests. Program maturity may therefore also be lacking. These are considerations that should be addressed if the Department elects to propose multiyear procurement in the 1996 budget. In addition, the Department must demonstrate that a multiyear proposal meets all the requirements of law, including substantial cost savings and other requirements in the recently enacted Federal Acquisition Streamlining Act. The conferees expect a multiyear proposal to be supported with the standard multiyear procurement budget justification material. In addition, the conferees expect that such a proposal/program be funded and structured like other multiyear programs. In this regard, the multiyear procurement of the M1A1 tank should not be taken as an example.

The conferees note that, while a multiyear contract may not be executed without additional legislation and funding, a long lead contract for a single year procurement with an option to convert later to a multiyear contract, is a possibility that can be considered.

Amendment No. 53: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

procurement of ammunition, army

Amendment No. 54: Appropriates $1,181,221,000 for Procurement of Ammunition, Army instead of $1,274,644,000 as proposed by the House and $877,761,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

conventional ammunition working capital fund

Both the House and the Senate criticized the operation of the Conventional Ammunition Working Capital Fund, the Fund through which most conventional ammunition is procured for the Department of Defense. The House report directed that the Fund be closed and that ammunition be procured using procedures which had been in place before the Fund was created in 1982. The Senate report allowed the Fund to operate for one more year while making certain reforms and required the submission a plan/proposal by March 15, 1995.

The conferees agree with the Senate approach to the future of the Fund. However, the conferees direct that the following changes be made in addition to those directed by the Senate:

The restructured Fund must have an independent inventory capability, compatible with but divorced from, the Commodity Command Standard System (CCSS). This inventory file is needed to maintain visibility of CAWCF inventory at all locations, including at work-in-progress. A delivery tracking capability is also desired.

The system must be capable of handling both standard price and non-standard price orders and be capable of generating an accurate balance sheet and income and expense statement.

The system must provide customers with timely and accurate status of their orders.

artillery metal parts industrial base

The conferees are concerned about the industrial base for production of artillery metal parts and the ability of this base to respond to requirements, both now and in the future. They are therefore requesting the General Accounting Office to conduct a thorough inventory of all artillery projectiles, to include not only the quantity but also the condition and suitability for training and combat. The GAO investigation shall also include a report on future plans for the procurement of advanced artillery projectiles, to include type and quantities that may be required, and plans to produce the metal parts required for these items.

M795 artillery projectile

The conference agreement includes $54,000,000 for initial procurement of the M795 projectile. The conferees agree with House direction that the Army provide a cost breakout, procurement/production strategy, and funding profile for this item prior to obligating the funds. The conferees also agree that the projectile metal parts be competitively procured from the existing government-owned production base.

artillery metal parts flexible manufacturing

The conference agreement includes $10,000,000 for the continued development of flexible manufacturing capabilities at Army ammunition facilities. Of this amount, $5,000,000 is to be used at the Louisiana Army Ammunition Plant and $5,000,000 at the Scranton Army Ammunition Plant.

In addition, the conferees direct that the $25,000,000 provided in the fiscal year 1994 Defense Appropriations Act for a M483 to M864 projectile conversion program shall be used for prove-out of the flexible manufacturing capabilities at the Louisiana and Scranton Army Ammunition Plants.

Amendment No. 55: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

Amendment No. 56: Deletes Senate proviso earmarking certain funds for the William Langer Plant.

Other Procurement, Army

Amendment No. 57: Appropriates $2,673,148,000 for Other Procurement, Army, instead of $2,348,806,000 as proposed by the House and $2,646,048,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

information systems

The conferees agree to provide $22,500,000 for the Information Systems program, an addition of $500,000 to the budget request. The additional funding provided is available only for switch expansion to the existing system at Schofield Barracks. The conferees direct the Army to start the Schofield Barracks upgrade project in fiscal year 1995.

local area network (lan)

The conferees agree to provide $22,654,000 for the Local Area Network program, an increase of $5,700,000 over the budget request. The conferees direct that the additional funding be used only to improve and upgrade the telephone cable network and backbone LAN at Schofield Barracks starting in fiscal year 1995.

advanced field artillery tactical data system (afatds)

The conferees agree to provide $8,200,000 for the Advanced Field Artillery Tactical Data System, a reduction of $24,410,000 from the budget request. The Army agreed to the reduction and requested the conferees consider reallocating the $24,410,000 to other specified programs to meet shortfalls; however, due to budgetary constraints the Armys request could not be met. The conferees recommend that the Army submit a formal reprogramming request in fiscal year 1995.

automatic data processing equipment

The conference agreement on the Automatic Data Processing Equipment program appears in the Information Technology Systems section of this report.

reserve component automation system

The conference agreement on the Reserve Component Automation System program appears in the Information Systems Technology section of this report.

integrated family of test equipment

The conferees agree to provide $62,716,000, an increase of $4,500,000 to the request. The conferees direct that the $4,500,000 for procurement of DSESTS-TOW, as directed by the Senate report, as well as the $5,000,000 provided in fiscal year 1994 in the Bradley fighting vehicle appropriation for DSESTS-TOW, are subject to the requirements stated in the statement of managers accompanying the fiscal year 1994 Defense Appropriations Act. The conferees are disturbed the Army has failed to initiate the DSESTS-TOW operational test directed in last years conference report, and expect this test to be completed and the results published not later than July 1, 1995. The conferees further expect any request for an extension will be denied. The conferees agree the Army is to maintain its existing policy regarding automatic test equipment and the use of waiver authority, when necessary, in making procurements. The Army is directed to finalize the development of its future "Fix Forward" strategy and decide whether DSESTS, IFTE, or some combination of the two is the most cost-effective way to meet this policys goals.

production base support (c-e)

The conferees agree to provide $12,849,000 for Production Base Support (C-E), an increase of $12,000,000 to the budget request. The additional funds are only for the procurement of industrial process and information systems equipment for the Industrial Operations Facility at the Tobyhanna Army Depot.

combat support medical

The conference agreement provides $19,348,000 for the Combat Support Medical program, an increase of $2,744,000 over the budget request. Of the amount appropriated, $6,750,000 is available only for the procurement of Field Medical Oxygen Generating and Distribution System (FMOGDS), provided that the Army certifies to the Congressional Defense Committees that FMOGDS has successfully passed production testing and has received milestone III approval. If the FMOGDS fails to receive milestone III approval due to test failure, the conferees recommend that the available funds be used to competitively procure the Liquid Oxygen Production, Storage and Distribution System (LOPSDS). The conferees also agree with the House recommendation that the Army competitively procure additional LOPSDS equipment within the Combat Support Medical programs fiscal year 1995 allocation for items less than $2 million. Also, $2,500,000 of the amount allocated is available only for the procurement of man portable medical ventilators. Congress considers the FMOGDS, LOPSDS, and portable medical ventilator as items of special interest, and the Army shall annotate the DD Form 1414 accordingly.

training devices, nonsystem

The conferees recommend $85,939,000 for the Training Devices, Nonsystem program, a reduction of $13,400,000 from the budget request. The reduction is made without prejudice and is not earmarked for any specific subprogram.

simnet/close combat tactical trainer

The conferees agree to provide the budget request of $32,038,000 for the Close Combat Tactical Trainer (CCTT). The conferees are advised that fiscal year 1995 funds are required to accelerate the CCTT Quickstart program in advance of the CCTT system level initial operational test and evaluation. The conferees direct that the fiscal year 1995 funds appropriated for this program are available only for the procurement of CCTT Quickstart, and are not available for reprogramming.

water purification equipment

In order to meet the Armys water purification equipment requirements, the conferees recommend that consideration be given to procuring a new high tech Reverse Osmosis Water Purification Unit (ROWPU) prototype which incorporates the newest concepts and technologies available to the water purification industry.

improved moving target simulator

The fiscal year 1994 Defense Appropriations bill provided $5,000,000 to procure an Improved Moving Target Simulator for the North Dakota National Guard.

The conferees reaffirm their clear intent that these funds be spent as directed. Further, the Army is directed to report to the Congressional defense committees within 90 days regarding the status of the IMTS procurement.

Aircraft Procurement, Navy

Amendment No. 58: Appropriates $4,627,645,000 for Aircraft Procurement, Navy instead of $4,820,442,000 as proposed by the House and $4,531,789,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

ch-53e super stallion

The Senate approved the Departments request of $41,084,000 in the Aircraft Procurement, Navy account and provided the Marine Corps the flexibility to procure two additional helicopters in lieu of using the requested amount to close the line as proposed. The House approved the requested amount. The conferees agree with the direction contained in Senate report 103-321.

e-2c hawkeye

The conferees agree to provide $242,759,000 for acquisition of four aircraft in fiscal year 1995. The amount provided reflects agreement with cost containment measures proposed by the Navy subsequent to submission of the budget.

The conferees note that the Navys financial plan for acquisition assumed approval of advance procurement with the 1994 omnibus reprogramming. The defense committees of the Congress, in the reprogramming, approved the requested increase in E-2C advance procurement and an offsetting decrease in the E-2C full funding line, but the Department of Defense did not apply these resources to satisfy the requested increase. The conferees understand the Navy has identified additional sources to cover the advance procurement shortfall and the conferees encourage the Navy to submit a reprogramming in time to protect the acquisition schedule.

f-14 series modifications

The conferees agree to provide $133,326,000 for F-14 modifications, a reduction of $25,000,000 from the budget request. The reduction reflects a change in the Navys schedule for accomplishment of the planned A/B upgrade. The conferees agree with the direction contained in Senate report 103-321.

s-3 series modifications

The conferees agree to provide $50,891,000 for S-3 series modifications. The amount provided is $10,000,000 above the budget request. The increased funding is to be used for procurement and installation of AN/USH-42 mission recorders.

Amendment No. 59: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

weapons procurement, navy

Amendment No. 60: Appropriates $2,159,080,000 for Weapons Procurement, Navy, instead of $1,969,336,000 as proposed by the House and $1,858,200,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

trident ii d-5 missile

The conferees agree to provide $616,318,000 for the Trident II missile program in fiscal year 1995, a reduction of $25,000,000 from the budget request. The conferees direct the Department of the Navy to submit to the Committees on Appropriations and Armed Services a Cost and Operational Effectiveness Analysis (COEA) for possible D-5 missile backfit into four Trident I submarines. The COEA should address at a minimum:

(1) the cost to accomplish the backfit (missiles, missile guidance, submarine navigation system, submarine fire control system, DASO launches, etc.) versus the cost of maintaining C-4 missiles in the inventory;

(2) the expected service life of the Trident submarine fleet and the service life of the C-4 and D-5 missiles and;

(3) the operational effectiveness in terms of targeting and survivability of a mixed C-4/D-5 fleet of submarines versus a fleet carrying only D-5 missiles.

The conferees further direct that the completed COEA shall be transmitted to the appropriate congressional committees not later than July 1, 1995.

Amendment No. 61: Deletes a House provision making a portion of the appropriation subject to authorization and inserts Senate language permitting appropriations to be available to liquidate deficiencies in prior appropriations acts.

Procurement of Ammunition, Navy and Marine Corps

Amendment No. 62: Appropriates $417,779,000 for Procurement of Ammunition, Navy and Marine Corps instead of $493,810,000 as proposed by the House and $432,815,000 as proposed by the Senate. The conference agreement also deletes the earmarking for Navy and the Marine Corps as proposed by the Senate.

The conference agreement on items in conference is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

5 inch/54 gun ammunition

The conferees agree to provide $68,695,000 for 5 inch/54 gun ammunition. The conferees note the Navys fiscal year 1995 budget submission failed to correct a flawed requirements process. For the past two years the Navy itself has conceded this process has resulted in budget requests which shortchange minimum fleet training requirements by 25 percent. This situation is intolerable. In order to sustain fleet readiness, the conferees have decided to correct the fiscal year 1995 shortfall with an increase of $16,000,000 over the request, offset by reductions to other Navy programs. The conferees direct the Navy to correct this problem with the fiscal year 1996 budget and further direct the Secretary of the Navy to certify to the Committees on Appropriations by February 15, 1995, that the requirements and budgeting process for 5 inch/54 ammunition has been corrected to realistically represent those procurements needed to meet fleet commanders training and war reserve requirements. The conferees will not accept any methodology which continues to force commanders to cut training solely because of the Department of the Navys failure to make common sense adjustments to the requirements and budgeting process.

marine corps .50 caliber ammunition

The conferees agree that the $5,000,000 over the budget provided by both the House and the Senate for procurement of .50 caliber ammunition for the Marine Corps shall be used for procurement of sabot-light armor penetrator (SLAP) ammunition.

Amendment No. 63: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

Shipbuilding and Conversion, Navy

Amendment No. 64: Appropriates $2,284,925,000 for the carrier replacement program as proposed by the Senate instead of $2,446,958,000 as proposed by the House.

Amendment No. 65: Appropriates $38,328,000 for CVN refueling as proposed by the Senate.

Amendment No. 66: Appropriates $2,660,690,000 for the DDG-51 destroyer program as proposed by the Senate instead of $2,607,690,000 as proposed by the House.

Amendment No. 67: Inserts Senate language relating to obligation and availability of funds for the LHD-7 amphibious assault ship and directing the Secretary of the Navy to extend the existing contract option.

Amendment No. 68: Appropriates $1,000,000 for nuclear submarine main steam condenser industrial base as proposed by the House and deletes House earmark of $8,200,000 for the cost growth in prior years programs.

Amendment No. 69: Restores House language to include conversions along with craft, outfitting, post delivery, and first destination transportation.

Amendment No. 70: Appropriates $377,521,000 for craft, outfitting, post delivery, conversions, and first destination transportation instead of $357,521,000 as proposed by the House and $349,031,000 as proposed by the Senate.

Amendment No. 71: Appropriates no funding for escalation instead of $146,000,000 as proposed by the Senate.

Amendment No. 72: Appropriates a total of $5,412,464,000 instead of $5,471,369,000 as proposed by the House and $5,528,974,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

New Attack Submarine

Both the House and Senate expressed concern with the Navys current plan for the New Attack Submarine (NAS). The House reduced funding for the program by $200 million and mandated that the follow-ship procurement costs not exceed $1.2 billion. The Senate noted that force structure requirements do not necessitate proceeding with the NAS for nearly 10 years, and that the costs of the NAS make it more expensive than continuing to produce a limited number of Seawolf submarines during that period. The conferees agree to provide full funding for NAS, but maintain strong reservations with the current program.

Over the next five years, the Navy wants to spend nearly $7.1 billion for continued development and to initiate production of the NAS. The conferees do not believe the Navys budget will sustain this level of investment. As evidence, the conferees cite apparent decisions by the Defense Department to slip the production of the second NAS from the year 2000 to 2001 to reduce near term funding requirements. The conferees believe this and other likely funding reductions will increase costs above the Navys current predictions.

The conferees note that the first NAS will cost $3.4 billion to procure, nearly $1 billion more than the price of the Seawolf, a program the Navy canceled because it was too expensive. While the Navy argues that it expects to reduce subsequent NAS costs to $1.54 billion per ship based on buying two submarines per year, the conferees are aware of no cost saving techniques or innovative manufacturing processes which can be expected to reduce follow-on submarine costs from $3.4 billion to $1.54 billion. On the contrary, the conferees point out that NAS will be called upon to sustain the full cost of the submarine industrial base, which should lead to still higher costs unless proactive steps are taken by the Navy to reduce costs.

The conferees continue to believe that the Navy should seek ways to reduce costs below the $1.54 billion plan with a goal of producing a $1.2 billion submarine. The conferees are not convinced that the Congress will support the purchase of $1.5 billion attack submarines should that price be achieved. In order to remain informed of all developments related to the cost and schedule of the NAS, the House and Senate Committees on Appropriations expect quarterly reports from the Navy on the program addressing planned cost and schedule, and detailed explanations of any deviation from the plan.

The costs of the nuclear reactor represent 35% of the production costs. The conferees believe the Navy should seriously consider designing a more cost effective reactor and making other non-mission changes to lower the overall cost of the submarine. The NAS has been designed around the nuclear reactor, the conferees believe mission requirements ought to govern design, not the reactor plant.

In its FY 1996 budget, the Navy will be seeking nearly $1.2 billion for the NAS program. The conferees do not anticipate providing this amount unless the Navy has demonstrated a commitment to reduce costs and can cite concrete evidence of its ability to produce the NAS program in a streamlined, efficient and cost effective manner. The Navy can expect the Committees on Appropriations to propose alternatives in conjunction with the FY 1996 budget if the Navy ignores this guidance.

MK-45 Gun Industrial Base

The conferees understand the Navy is debating the merits of procuring new MK-45 guns for DDG-51 destroyers, versus refurbishing guns from ships being retired. It is not yet clear that refurbishment will be cost effective in the long run, considering the likely requirement to restart the production line in the future. The conferees direct the Navy to ensure that the naval gun industrial base is maintained cost effectively as it decides between new procurement and refurbishment.

Service Craft

The conferees agree to provide $5,600,000 for procurement of at least two double-hulled fuel barges (YONs) in fiscal year 1995.

The conferees note the recent decision by the Assistant Secretary of the Navy for Research, Development and Acquisition to proceed to acquire living barges consistent with commercial specifications and standards, thereby significantly reducing costs compared to purchasing craft under excessive military specifications. The conferees commend this initiative, and restate the position maintained previously that the Navy should first evaluate available commercial living barges, and determine their suitability to meet the Navys requirement prior to the obligation of any funds for the construction of new living barges.

ship cost adjustment

The conferees have included a general provision (section 8099) which transfers $535,690,000 in prior year funds to cover cost increases in various ship programs. The following table lists the adjustments by appropriations.

Appropriations to which transfer is made: Amount

Shipbuilding and Conversion, Navy 1986/1990 $15,138,000

Shipbuilding and Conversion, Navy 1987/1991 33,880,000

Shipbuilding and Conversion, Navy 1988/1992 129,694,000

Shipbuilding and Conversion, Navy 1989/1993 75,663,000

Shipbuilding and Conversion, Navy 1990/1994 22,605,000

Shipbuilding and Conversion, Navy 1991/1995 94,393,000

Shipbuilding and Conversion, Navy 1992/1996 76,444,000

Shipbuilding and Conversion, Navy 1993/1997 68,438,000

Shipbuilding and Conversion, Navy 1994/1998 19,435,000

Total 535,690,000

Appropriations from which transfer is made:

Shipbuilding and Conversion, Navy 1986/1990 15,138,000

Shipbuilding and Conversion, Navy 1987/1991 10,666,000

Shipbuilding and Conversion, Navy 1988/1992 29,052,000

Shipbuilding and Conversion, Navy 1989/1993 11,385,000

Shipbuilding and Conversion, Navy 1990/1994 8,555,000

Shipbuilding and Conversion, Navy 1991/1995 70,127,000

Aircraft Procurement, Navy 1993/1995 148,642,000

Aircraft Procurement, Navy 1994/1996 17,000,000

Weapons Procurement, Navy 1993/1995 55,000,000

Weapons Procurement, Navy 1994/1996 14,000,000

Other Procurement, Navy 1993/1995 22,400,000

Other Procurement, Navy 1994/1996 70,425,000

Research, Development, Test and Evaluation, Navy 1994/1995 41,700,000

Procurement, Marine Corps 1993/1995 6,600,000

National Guard and Reserve Equipment 1994/1996 Air National Guard 15,000,000

Total 535,690,000

Other Procurement, Navy

Amendment No. 73: Appropriates $3,329,171,000 for Other Procurement, Navy, instead of $3,271,088,000 as proposed by the House and $3,309,698,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

other navigation equipment

The conferees agree to provide $21,352,000 for Other Navigation Equipment, a reduction of $1,500,000. The reduction is without prejudice and is not directed at any subprogram within the Other Navigation Equipment program.

reactor components

The conferees agree to provide $180,000,000 for the Reactor Component program. The reduction of $14,673,000 is made without prejudice.

nuclear alterations

The conferees agree to provide $146,804,000, for the Nuclear Alterations program, a decrease of $10,000,000 from the budget request. This adjustment is made without prejudice.

an/sps-48

The conferees agree to provide $9,630,000 for the AN/SPS-48 radar program. The additional funding of $9,000,000 is available only for non-recurring costs associated with the AN/SPS-48E radar Pulse Doppler Upgrade (PDU) program. The conferees have been concerned over the need to improve ship self defense, and have been advised that the PDU program will significantly enhance ship self defense in littoral waters. The conferees are concerned by the Navys delay of this program, which has prolonged an operational deficiency. The conferees direct that all Other Procurement, Navy funds intended for PDU, including fiscal years 1993 and 1994 funding, be released immediately for accelerated implementation of the PDU program. This program is a Congressional interest item.

submarine acoustic warfare

The conferees agree to provide $22,684,000 for the Submarine Acoustic Warfare program. The increase of $12,000,000 is only for procurement of the Acoustic Device Countermeasure Mark 4.

surface ship torpedo defense (sstd)

The conferees agree to provide $31,889,000 for the Surface Ship Torpedo Defense (SSTD) system, the amount of the fiscal year 1995 budget request. Of the funds provided, the conferees direct that none of the $10,500,000 identified for AN/SLR-24 procurement in fiscal year 1995 may be obligated until the Assistant Secretary of Navy (RD&A) certifies to the Congressional Defense Committees that the phase II SSTD system has successfully passed operational test and evaluation.

sonobuoy procurement

The April, 1994 Sonobuoy Inventory Analysis Report submitted to the Committees on Appropriations by the Navy provided timely information on revised sonobuoy requirements which guided the Committees during their consideration of sonobuoy funding for fiscal years 1994 and 1995. In this connection, the conferees agree with the House reallocation of fiscal year 1994 sonobuoy funding, and urge the Secretary of the Navy to reflect in the budget request for fiscal years 1996 and 1997 the sonobuoy funding requirements for those years identified in the Report. Sonobuoy acquisition remains a matter of special interest to the conferees.

weapons range support equipment

The conferees agree to provide $63,106,000 for the Weapons Range Support Equipment program as discussed in the Operations and Maintenance, Navy section of this report.

aviation life support

The conferees agree to provide $10,873,000 for the Aviation Life Support program, an increase of $3,000,000 to the budget request. The additional funds are available only for manual reverse osmosis disalinators, including $2,500,000 for the Navy and $500,000 for the Marine Corps.

laser articulating robotic system, philadelphia naval shipyard

The conferees provide $6,900,000 for the acquisition of the Laser Articulating Robotic System for use in the Philadelphia Naval Shipyard. The propeller shop, as well as the foundry which supports the shop will continue to operate at the Navy Yard after its scheduled closure. The two existing LARS Systems are to be modified to the latest production configuration within these funds.

darp

The conference agreement on the DARP program appears in the Defense-Wide Procurement section of this report.

joint training, analysis, and simulation center

The conferees agree to provide $10,500,000 for the procurement of command, control, communications, and computer equipment for a Joint Training, Analysis and Simulation Center for the United States Atlantic Command.

Amendment No. 74: Deletes a House provision making a portion of the appropriations subject to authorization.

Amendment No. 75: Deletes language proposed by the Senate to establish a Joint Training, Analysis and Simulation Center.

Amendment No. 76: Inserts and amends Senate language providing funds for the Pacific Missile Range Facility, Hawaii.

Procurement, Marine Corps

Amendment No. 77: Appropriates $422,410,000 for Procurement, Marine Corps instead of $452,178,000 as proposed by the House and $403,410,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

Amendment No. 78: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

Aircraft Procurement, Air Force

Amendment No. 79: Appropriates $6,379,962,000 for Aircraft Procurement Air Force instead of $6,182,199,000 as proposed by the House and $6,571,524,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

enhanced bomber capability fund/bomber industrial base

The conferees remain very concerned about the current long range bomber force structure, and the means by which to improve its overall size, composition, and capability. As such, the conferees provide $125,000,000 to help sustain the bomber industrial base.

Given the demonstrated requirement for U.S. bombers in the rapidly changing national security environment, the conferees are worried that the last remaining U.S. bomber production capability, the B-2 industrial base, is being dismantled before adequate analysis has been completed to determine the proper long range, heavy bomber force structure. Independent studies have concluded that the 20 B-2 aircraft now on order are simply not enough to provide a militarily significant and cost effective long range conventional bomber force. The conferees regard the initiative to protect the option to produce additional B-2 bombers for one more year as critically important to U.S. national security.

Accordingly, the appropriation of these funds is intended to demonstrate to the Department the importance the conferees attach to the preservation of our only remaining bomber production capability. Upon the enactment of this Act, the Secretary of Defense shall utilize this $125,000,000 to ensure the B-2 production base remains a viable option for at least one more year.

The Commission on Roles and Missions, as established by the Congress last year, is one vehicle for providing the Congress with a considered opinion on the proper B-2 stealth bomber inventory that the Air Force should maintain. Therefore, the conferees direct the Commission to specifically address this issue in its report, not only in the context of the preservation of the industrial base, but for the critical capability the B-2 provides to our national security. The Commission is directed to report its findings to the Congressional defense committees. If warranted by the findings of the Commission, the Secretary of Defense shall also develop an acquisition plan for sustained low rate production of additional B-2 bombers as a force modernization option and submit it to the defense committees.

The conferees note that the Congress has previously established a cost cap of $44.4 billion on the original 20 B-2 bomber program. It is the judgment of the conferees that, because the expenditure of the $125,000,000 is for studies, analysis and other efforts to preserve the B-2 industrial base and to improve the size and composition of our long range, heavy bomber force required to meet two MRCs, these funds are unrelated to the orderly conclusion of the ongoing 20 B-2 aircraft program. Therefore, the funds provided herein for this purpose will not be counted against the statutory cost cap.

The 1995 National Defense Authorization Act provides funds for these purposes in the Enhanced Bomber Capability Fund. The conferees believe that the terms Enhanced Bomber Capability Fund and Bomber Industrial Base are interchangeable and should be viewed by the Defense Department as the same program.

C-17

The conferees agree to provide $2,168,614,000 for the C-17 program, a reduction of $304,300,000 to the budget request and the same amount as the authorization total. The conferees agree to the deletion of House language requiring the Air Force to qualify a second source producer for the C-17 engine. The conferees are cautiously optimistic that the present producer of the engine will take the necessary actions to reduce the engines unit cost. If such unit cost reduction does not occur the conferees reserve the right to revisit the issue of developing a second source for the C-17 engine. The conferees direct that no funds provided herein may be obligated to support the contract award of the C-17 engine in fiscal year 1995 until a report has been submitted to the congressional defense committees detailing the specific actions to be taken to reduce the unit cost of the engine.

F-15 Modifications

The conferees concur with the recommendation of the House to reduce funding for F-15 modifications by $15,000,000 because of low obligations. The conferees note that the Air Force had obligated less than one-third of the fiscal year 1994 funds provided for global positioning system (GPS) modifications through July and was unable to provide a monthly obligation plan for GPS delineating when the remaining funds would be obligated.

F-16 Modifications

The conferees recommend $110,727,000 for F-16 modifications. The agreement reduces funds for the ALE-47 and digital engine control modifications, as recommended by the Senate. The conferees agree to restore $12,500,000 of the $30,000,000 reduced by the Senate for the Advanced Radar Warning Receiver. Information provided to the conferees indicates that a portion of the Advanced RWR funds are required to continue the program from June of 1995 until the beginning of fiscal year 1996.

C-135

The conferees agree to provide $77,640,000 for modifications to C-135 aircraft, $25,800,000 below the budget request and the same level as recommended by the House. The reduction is made without prejudice to any specific C-135 modification. It is the conferees belief that top priority should be given to the upgrade of the KC-135 radar system and the conferees urge the Air Force to proceed with this program utilizing funds provided herein.

Amendment No. 80: Restores and amends House language requiring the Air Force to initiate procurement of non-developmental airlift alternative aircraft in fiscal year 1995; deletes House language requiring the Air Force to qualify a second source producer of the C-17 engine and deletes a House provision making a portion of the appropriation subject to authorization.

Missile Procurement, Air Force

Amendment No. 81: Appropriates $3,650,262,000 for Missile Procurement, Air Force, instead of $2,758,285,000 as proposed by the House and $3,620,055,000 as proposed by the Senate.

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

Procurement of Ammunition, Air Force

Amendment No. 82: Appropriates $288,401,000 for Procurement of Ammunition, Air Force instead of $278,681,000 as proposed by the House and $283,173,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

20mm ammunition

The conference agreement includes $39,295,000 for 20mm ammunition, as proposed by the House. The increase of $21,000,000 above the budget is for the procurement of PGU-28B combat ammunition.

Amendment No. 83: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

Other Procurement, Air Force

Amendment No. 84: Appropriates $6,965,201,000 for Other Procurement, Air Force, instead of $6,886,613,000 as proposed by the House and $6,897,696,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

theater air control systems improvement (tacsi)

The conferees agree to provide $71,174,000 for the Theater Air Control Systems Improvement program. The reduction of $7,600,000 is without prejudice and is not earmarked against any specific subprogram within the TACSI program.

mobility command and control

The conferees agree to provide $8,118,000 for the Mobility Command and Control program, a reduction of $8,158,000 from the budget request. The conferees are advised that the reduction can be made because requirements will be satisfied through the defense business operating fund.

Amendment No. 85: Deletes a House provision making a portion of the appropriation subject to authorization.Procurement, Defense-Wide

Amendment No. 86: Appropriates $2,088,230,000 for Procurement, Defense-Wide instead of $3,020,616,000 as proposed by the House and $1,894,916,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

special operations command

The adjustments to SOCOMs budget request are shown on the table above. Additional funds provided under Patrol Craft, Cyclone Class include $7,900,000 for the MK 96 weapon system and $14,000,000 for settlement of claims.

The conferees agree to the House restrictions regarding the MC-130H Combat Talon II modification and the MH-47/MH-60 modification programs.

defense airborne reconnaissance program

The conferees agree to the following specific program adjustments:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

The conferees direct that of the funds provided, $8,400,000 is only for the Common Automatic Recovery System.

natural gas vehicles

The conferees direct that not less than $500,000 of the funds provided for natural gas vehicles in the Procurement, Defense-wide appropriation is available only to test and evaluate a natural gas dispensing system with quick coupling components with multiple, back-to-back, no freeze short duration characteristics, including special sealing and safety design capabilities.

Amendment No. 87: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

Amendment No. 88: Deletes Senate bill language for the Pioneer Unmanned Aerial Vehicle System.

Defense Production Act Purchases

The conferees agree with House report language concerning a Defense Production Act project, with some changes. Specifically, the conferees agree that the capability to manufacture radiation resistant electronics (RRE) is essential to national security. The Department could stabilize costs and reliable supply sources by encouraging commercialization of the domestic RRE industry. Accordingly, the conferees recommend that $7,000,000 from funds appropriated in fiscal year 1994 be provided to competitively establish domestic RRE capacity consistent with critical defense needs, including a qualified manufacturing line with a demonstrated capability to produce 256K SOI static RAMs (with growth to 1M SOI RAMs), 300K to 400K gate arrays, and nonvolatile memory.

The conference agreement includes a general provision to ensure the viability of the domestic production base for nuclear steam generator tubing for aircraft carriers. The conferees expect that in return for this funding the Department of Defense will obtain a commitment from the producer to remain a source of supply of Navy nuclear reactor tubing at a reasonable price through the year 2005.

National Guard and Reserve Equipment

Amendment No. 89: Appropriates $800,000,000 for National Guard and Reserve Equipment instead of $796,200,000 as proposed by the House and $952,000,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --