

This provision would help bring to justice the larger number of federal fugitives whom the government has already decided merit prosecution insofar as they have been charged with and/or convicted of a Federal felony offense or have escaped after having been convicted of such an offense. By their conduct, these individuals have indicated a complete lack of respect for our nation's criminal justice system. As to these fugitives, the government does not need proof that they have moved in interstate commerce prior to issuing a subpoena.

The provision also would allow Federal law enforcement officials to issue an administrative subpoena to assist state law enforcement officials in apprehending state fugitives when they affect interstate commerce or when there is a request for assistance from the appropriate state official, and the Attorney General finds that the request gives rise to a Federal interest sufficient to warrant the exercise of Federal jurisdiction under section 1705. This portion of the statute is modeled on similar provisions in Title 28 U.S.C. sections 540 and 540a. It responds to the need of state officials to use the unique, nationwide detection and enforcement capabilities of Federal law enforcement agencies in apprehending fugitives, many of whom cross state lines to avoid capture. It also recognizes the importance of, and provides additional support for, ongoing cooperation between state and Federal officials in capturing fugitives, particularly in joint Federal/state task forces.

Under Title 28 U.S.C. Section 566(e)(1)(B), the U.S. Marshal Service has authority to investigate fugitive matters "as directed by the Attorney General." The FBI has authority to investigate fugitive matters (in violation of Title 18 U.S.C. section 1073) under Title 28 U.S.C. section 533(1). This bill would neither increase nor decrease the Attorney General's authority under those statutory provisions to direct the activities of the Marshal Service and the FBI.

Finally, it would provide investigators a mechanism to obtain documentary information in cases alleging a violation under the Unlawful Flight to Avoid Prosecution (UFAP) statute for fugitives fleeing from the testimonial responsibilities or to avoid lawful process, 18 U.S.C. section 1073(2) and (3). For this lower priority category of fugitives, it incorporates by reference the UFAP interstate movement requirement.

By Mr. ASHCROFT:

S. 2517. A bill to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to allow school personnel to apply appropriate discipline measures to all students in cases involving weapons, illegal drugs, and assaults upon teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SCHOOL SAFETY ACT OF 2000

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

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

S. 2517

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "School Safety Act of 2000".

SEC. 2. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) PROCEDURAL SAFEGUARDS.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by adding at the end the following:

"(n) DISCIPLINE BY LOCAL AUTHORITY WITH RESPECT TO WEAPONS, DRUGS, AND TEACHER ASSAULTS.—

"(1) AUTHORITY OF SCHOOL PERSONNEL WITH RESPECT TO WEAPONS, DRUGS, AND TEACHER ASSAULTS.—Notwithstanding any other provision of this title, school personnel may discipline (including expel or suspend) a child with a disability in the same manner in which such personnel may discipline a child without a disability if the child with a disability—

"(A) carries or possesses a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency;

"(B) threatens to carry, possess, or use a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency;

"(C) possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; or

"(D) assaults or threatens to assault a teacher, teacher's aid, principal, school counselor, or other school personnel, including independent contractors and volunteers.

"(2) INDIVIDUAL DETERMINATIONS.—In carrying out any disciplinary action described in paragraph (1), school personnel have discretion to consider all germane factors in each individual case and modify any disciplinary action on a case-by-case basis.

"(3) DEFENSE.—Nothing in paragraph (1) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under paragraph (1) from asserting a defense that the alleged act was unintentional or innocent.

"(4) FREE APPROPRIATE PUBLIC EDUCATION.—

"(A) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), or any other provision of this title, a child expelled or suspended under paragraph (1) shall not be entitled to continued educational services, including a free appropriate public education, under this subsection, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

"(B) PROVIDING EDUCATION.—Notwithstanding subparagraph (A), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under paragraph (1) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

"(i) nothing in this subsection shall be construed to require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

"(ii) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

"(5) RELATIONSHIP TO OTHER REQUIREMENTS.—

"(A) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this subsection.

"(B) PROCEDURE.—None of the procedural safeguards or disciplinary procedures of this Act shall apply to this subsection, and the relevant procedural safeguards and disciplinary procedures applicable to children without disabilities may be applied to the child with a disability in the same manner in which such safeguards and procedures would be applied to children without disabilities.

"(6) DEFINITIONS.—In this subsection:

"(A) THREATEN TO CARRY, POSSESS, OR USE A WEAPON.—The term 'threaten to carry, possess, or use a weapon' includes behavior in which a child verbally threatens to kill another person.

"(B) WEAPON, ILLEGAL DRUG, CONTROLLED SUBSTANCE, AND ASSAULT.—The terms 'weapon', 'illegal drug', 'controlled substance', 'assault', 'unintentional', and 'innocent' have the meanings given such terms under State law."

(b) CONFORMING AMENDMENTS.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended—

(1) in subsection (f)(1), by striking "Whenever" and inserting the following: "Except as provided in section 615(n), whenever"; and

(2) in subsection (k)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

"(A) In any disciplinary situation except for such situations as described in subsection (n), school personnel under this section may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would apply to children without disabilities).";

(B) by striking paragraph (3) and inserting the following:

"(3) Any interim alternative educational setting in which a child is placed under paragraph (1) or (2) shall—

"(A) be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and

"(B) include services and modifications designed to address the behavior described in paragraphs (1) or (2) so that it does not recur.";

(C) in paragraph (6)(B)—

(i) in clause (i), by striking "(i) In reviewing" and inserting "In reviewing"; and

(ii) by striking clause (ii);

(D) in paragraph (7)—

(i) in subparagraph (A), by striking "paragraph (1)(A)(ii) or" each place it appears; and

(ii) in subparagraph (B), by striking "paragraph (1)(A)(ii) or"; and

(E) by striking paragraph (10) and inserting the following:

"(10) SUBSTANTIAL EVIDENCE.—The term 'substantial evidence' means beyond a preponderance of the evidence."

SEC. 3. AMENDMENT TO THE GUN-FREE SCHOOLS ACT OF 1994.

Subsection (c) of section 14601 of the Gun-Free Schools Act of 1994 (20 U.S.C. 8921) is amended to read as follows:

"(c) SPECIAL RULE.—Notwithstanding any other provision of this section, this section shall be subject to section 615(n) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(n))."

SEC. 4. APPLICATION.

The amendments made by sections 2 and 3 shall not apply to conduct occurring prior to the date of enactment of this Act.

By Mr. MCCAIN:

S. 2518. A bill to provide for the technical integrity of the FM radio band, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FM RADIO ACT OF 2000

• Mr. MCCAIN: Mr. President, I rise today to introduce a bill to resolve the controversy that has erupted over the Federal Communications Commission's creation of a new, noncommercial low-power FM radio service.

As you undoubtedly know, the FCC's low-power FM rules will allow the creation of thousands of new noncommercial FM radio stations with coverage of about a mile or so. Although these new stations will give churches and community groups new outlets for expression of their views, commercial FM broadcasters as well as National Public Radio oppose the new service. They argue that the FCC ignored studies showing that the new low-power stations would cause harmful interference to the reception of existing full-power FM stations.

Mr. President, legislation before the House of Representatives would call a halt to the institution of low-power FM service by requiring further independent study of its potential for causing harmful interference to full-power stations, and Senator GREGG has introduced the same legislation in the Senate. While this would undoubtedly please existing FM radio broadcasters, it understandably angers the many parties who are anxious to apply for the new low-power licenses. Most importantly, it would delay the availability of whatever new programming these new low-power licensees might provide, even where the station would have caused no actual interference at all had it been allowed to operate.

With all due respect to Senator GREGG and to the supporters of the House bill, I think we can reach a fairer result, and the bill I am introducing, the FM Radio Act of 2000, is intended to do just that.

Unlike Senator GREGG's bill, the FM Radio Act would allow the FCC to license low-power FM radio stations. The only low-power FM stations that would be affected would be those whose transmissions are actually causing harmful interference to a full-power radio station. The National Academy of Sciences—an expert body independent of the FCC—would determine which stations are causing such interference and what the low-power station must do to alleviate it.

It gives full-power broadcasters the right to sue any low-power FM licensee for causing harmful interference, and stipulates that the costs of the suit shall be borne by the losing party. Finally, to make sure that the FCC does not relegate the interests of full-power radio broadcasters to secondary importance in its eagerness to launch the new lower-power FM service, the bill requires the FCC to complete all rulemakings necessary to implement full-power stations' transition to dig-

ital broadcasters no later than June 1, 2001.

Mr. President, this legislation strikes a fair balance by allowing non-interfering low-power FM stations to operate without further delay, while affecting only those low-power stations that an independent scientific body finds to be causing harmful interference in their actual, everyday operations. This is totally consistent with the fact that low-power FM is a secondary service which, by law, must cure any interference caused to any primary, full-power service. This legislation will provide an efficient and impartial means to detect and resolve harmful interference. By providing a judicial remedy with costs assigned to the losing party, the bill will discourage the creation of low-power stations most likely to cause harmful interference even as it discourages full-power broadcasters from making unwarranted interference claims. And for these reasons it will provide a more definitive resolution of opposing interference claims than any number of further studies ever could.

Mr. President, in the interests of would-be new broadcasters, existing broadcasters, but, most of all, the listening public, I urge the enactment of the FM Radio Act of 2000. •

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. DASCHLE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 577

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to interstate transportation of intoxicating liquor.

S. 890

At the request of Mr. WELLSTONE, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 1921

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

At the request of Mr. CAMPBELL, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Idaho (Mr. CRAPO), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1921, supra

S. 1988

At the request of Mr. DASCHLE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1988, a bill reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 2005

At the request of Mr. BURNS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2005, a bill to repeal the modification of the installment method.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2084

At the request of Mr. LUGAR, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2232

At the request of Mr. GRAHAM, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2232, a bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend the XVIII of the Social Security Act to add preventive benefits, and for other purpose.

S. 2241

At the request of Mr. CRAPO, the names of the Senator from Idaho (Mr. CRAIG), the Senator from North Carolina (Mr. HELMS), the Senator from Kansas (Mr. ROBERTS), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2241, a bill to amend title XVIII of the Social Security Act to adjust wages and wage-related costs for certain items and services furnished in geographically reclassified hospitals.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Utah (Mr. HATCH) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to

provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2277

At the request of Mr. ROTH, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2277, a bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China.

S. 2280

At the request of Mr. MCCONNELL, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2280, a bill to provide for the effective punishment of online child molesters.

S. 2311

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2330

At the request of Mr. BREAUX, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2334

At the request of Mr. L. CHAFEE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2334, a bill to amend the Internal Revenue Code of 1986 to extend expensing of environmental remediation costs for an additional 6 years and to include sites in metropolitan statistical areas.

S. 2386

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from North Carolina (Mr. HELMS), the Senator from Wyoming (Mr. THOMAS), and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2387

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2387, a bill to improve global health by increasing assistance to developing nations with high levels of infectious disease and premature death, by improving children's and women's health and nutrition, by reducing unintended pregnancies, and by combating the spread of infectious diseases, particularly HIV/AIDS, and for other purposes.

S. 2393

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2393, a bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes.

S. 2443

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2443, a bill to increase immunization funding and provide for immunization infrastructure and delivery activities.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2478

At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2478, a bill to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes.

S. 2494

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2494, a bill to amend title 38, United States Code, to provide compensation and benefits to children of female Vietnam veterans who were born with certain birth defects, and for other purposes.

S. CON. RES. 109

At the request of Mr. SCHUMER, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Michigan (Mr. LEVIN), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Con. Res. 109, a concurrent resolution expressing the sense of Congress regarding the ongoing persecution of 13 members of the Iran Jewish community.

S. CON. RES. 110

At the request of Mr. DURBIN, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Oregon (Mr. SMITH), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Colorado (Mr. CAMPBELL), were added as cosponsors of S. Con. Res. 110, a concurrent resolution congratulating the Republic of Latvia on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

S.J. RES. 44

At the request of Mr. KENNEDY, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S.J. Res. 44, a joint resolution

supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

AMENDMENTS SUBMITTED

EDUCATIONAL OPPORTUNITIES ACT

LUGAR AMENDMENT NO. 3125

(Ordered to lie on the table.)

Mr. LUGAR submitted an amendment intended to be proposed by him to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 23, line 3, strike "\$200,000,000" and insert "\$500,000,000".

LOTT AMENDMENT NO. 3126

Mr. COVERDELL (for Mr. LOTT) proposed an amendment to the bill, S. 2, supra; as follows:

On page 210, strike lines 18 through 21 and insert the following:

"(1) Recruiting and hiring highly qualified certified or licensed teachers, including teachers certified through State and local alternative routes, in order to reduce class size or address the shortage of highly qualified teachers in specific academic subjects or grades, or hiring special education teachers.

On page 215, strike line 13 and all that follows through page 217, line 13, and insert the following:

"(c) ACCOUNTABILITY.—

"(1) IN GENERAL.—At the end of each fiscal year, a State shall determine whether a local educational agency in the State, in carrying out activities under subpart 2 or this subpart during the fiscal year, has failed to achieve—

"(A) improved student performance, as determined by the State; or

"(B) an increased percentage of classes in core academic subjects that are taught by highly qualified teachers.

"(2) TECHNICAL ASSISTANCE.—If the State determines, under paragraph (1), that a local educational agency has failed to achieve the improved performance or increased percentage described in subparagraph (A) or (B) of paragraph (1), the State may provide technical assistance in order to provide the opportunity for the agency to make progress in achieving the improved performance or increased percentage.

"(3) ELIGIBILITY FOR FUNDS IN 4TH YEAR.—If a local educational agency applies for funds under this part for a 4th year (including applying for funds under subpart 2 as part of a partnership), the agency may receive the funds for that fiscal year only if the State determines that the agency, in carrying out activities under subpart 2 or this subpart, as appropriate, during the past 3 fiscal years, has achieved the improved student performance or increased percentage described in subparagraph (A) or (B) of paragraph (1).

"(4) STATE CONTROL OF FUNDS.—If the State determines, under paragraph (3), that a local educational agency has failed to achieve the improved performance or increased percentage described in subparagraph (A) or (B) of paragraph (1), the State shall receive the funds for which the agency is eligible under section 2012(c) and shall expend the funds in accordance with subpart 2 or this subpart, as appropriate.