

Union Calendar No. 312

113TH CONGRESS
2D SESSION

H. R. 10

[Report No. 113-423]

To amend the charter school program under the Elementary and Secondary Education Act of 1965.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2014

Mr. KLINE (for himself and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Education and the Workforce

APRIL 29, 2014

Additional sponsors: Mr. HINOJOSA, Mr. HUNTER, Mr. MESSER, Mr. PETERS of California, Mr. POLIS, Mr. ROE of Tennessee, Mr. ROKITA, Mr. BUCSHON, Mr. DESJARLAIS, Mr. WALBERG, Mr. DUFFY, Mr. PETRI, Mr. WOMACK, Mr. WEBSTER of Florida, Mrs. BROOKS of Indiana, Mr. BYRNE, Mr. FARENTHOLD, Mr. GUTHRIE, Mr. HECK of Nevada, Mr. HUDSON, and Mr. WILSON of South Carolina

APRIL 29, 2014

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 1, 2014]

A BILL

To amend the charter school program under the Elementary
and Secondary Education Act of 1965.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Success and Oppor-*
5 *tunity through Quality Charter Schools Act”.*

6 **SEC. 2. REFERENCES.**

7 *Except as otherwise specifically provided, whenever in*
8 *this Act a section or other provision is amended or repealed,*
9 *such amendment or repeal shall be considered to be made*
10 *to that section or other provision of the Elementary and*
11 *Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).*

12 **SEC. 3. SUBPART HEADING; PURPOSE.**

13 (a) *SUBPART HEADING.—The heading for subpart 1*
14 *of part B of title V (20 U.S.C. 7221 et seq.) is amended*
15 *to read as follows: “**Charter School Program**”.*

16 (b) *PURPOSE.—Section 5201 (20 U.S.C. 7221) is*
17 *amended to read as follows:*

18 **“SEC. 5201. PURPOSE.**

19 *“It is the purpose of this subpart to—*

20 *“(1) improve the United States education system*
21 *and education opportunities for all Americans by*
22 *supporting innovation in public education in public*
23 *school settings that prepare students to compete and*
24 *contribute to the global economy;*

1 “(2) provide financial assistance for the plan-
2 ning, program design, and initial implementation of
3 charter schools;

4 “(3) expand the number of high-quality charter
5 schools available to students across the Nation;

6 “(4) evaluate the impact of such schools on stu-
7 dent achievement, families, and communities, and
8 share best practices between charter schools and other
9 public schools;

10 “(5) encourage States to provide support to char-
11 ter schools for facilities financing in an amount more
12 nearly commensurate to the amount the States have
13 typically provided for traditional public schools;

14 “(6) improve student services to increase oppor-
15 tunities for students with disabilities, limited English
16 proficient students, and other traditionally under-
17 served students to attend charter schools and meet
18 challenging State academic achievement standards;

19 “(7) support efforts to strengthen the charter
20 school authorizing process to improve performance
21 management, including transparency, oversight, mon-
22 itoring, and evaluation of such schools; and

23 “(8) support quality accountability and trans-
24 parency in the operational performance of all author-
25 ized public chartering agencies, which include State

1 *educational agencies, local educational agencies, and*
2 *other authorizing entities.”.*

3 **SEC. 4. PROGRAM AUTHORIZED.**

4 *Section 5202 (20 U.S.C. 7221a) is amended to read*
5 *as follows:*

6 **“SEC. 5202. PROGRAM AUTHORIZED.**

7 “(a) *IN GENERAL.—This subpart authorizes the Sec-*
8 *retary to carry out a charter school program that supports*
9 *charter schools that serve elementary school and secondary*
10 *school students by—*

11 “(1) *supporting the startup of charter schools,*
12 *and the replication and expansion of high-quality*
13 *charter schools;*

14 “(2) *assisting charter schools in accessing credit*
15 *to acquire and renovate facilities for school use; and*

16 “(3) *carrying out national activities to sup-*
17 *port—*

18 “(A) *charter school development;*

19 “(B) *the dissemination of best practices of*
20 *charter schools for all schools;*

21 “(C) *the evaluation of the impact of the pro-*
22 *gram on schools participating in the program;*
23 *and*

24 “(D) *stronger charter school authorizing.*

1 “(b) *FUNDING ALLOTMENT.*—From the amount made
2 available under section 5211 for a fiscal year, the Secretary
3 shall—

4 “(1) reserve 12.5 percent to support charter
5 school facilities assistance under section 5204;

6 “(2) reserve not more than 10 percent to carry
7 out national activities under section 5205; and

8 “(3) use the remaining amount after the Sec-
9 retary reserves funds under paragraphs (1) and (2) to
10 carry out section 5203.

11 “(c) *PRIOR GRANTS AND SUBGRANTS*.—The recipient
12 of a grant or subgrant under this subpart or subpart 2,
13 as such subpart was in effect on the day before the date
14 of enactment of the Success and Opportunity through Qual-
15 ity Charter Schools Act, shall continue to receive funds in
16 accordance with the terms and conditions of such grant or
17 subgrant.”.

18 SEC. 5. GRANTS TO SUPPORT HIGH-QUALITY CHARTER
19 SCHOOLS.

20 *Section 5203 (20 U.S.C. 7221b) is amended to read*
21 *as follows:*

22 "SEC. 5203. GRANTS TO SUPPORT HIGH-QUALITY CHARTER
23 SCHOOLS.

24 “(a) *IN GENERAL.*—From the amount reserved under
25 section 5202(b)(3), the Secretary shall award grants to

1 *State entities having applications approved pursuant to*
2 *subsection (f) to enable such entities to—*

3 “(1) *award subgrants to eligible applicants for*

4 *opening and preparing to operate—*

5 “(A) *new charter schools;*

6 “(B) *replicated, high-quality charter school*

7 *models; or*

8 “(C) *expanded, high-quality charter schools;*

9 *and*

10 “(2) *provide technical assistance to eligible ap-*
11 *plicants and authorized public chartering agencies in*
12 *carrying out the activities described in paragraph (1)*
13 *and work with authorized public chartering agencies*
14 *in the State to improve authorizing quality.*

15 “(b) *STATE USES OF FUNDS.—*

16 “(1) *IN GENERAL.—A State entity receiving a*
17 *grant under this section shall—*

18 “(A) *use not less than 90 percent of the*
19 *grant funds to award subgrants to eligible appli-*
20 *cants, in accordance with the quality charter*
21 *school program described in the State entity’s*
22 *application approved pursuant to subsection (f),*
23 *for the purposes described in subparagraphs (A)*
24 *through (C) of subsection (a)(1);*

1 “(B) reserve not less than 7 percent of such
2 funds to carry out the activities described in sub-
3 section (a)(2); and

4 “(C) reserve not more than 3 percent of such
5 funds for administrative costs which may in-
6 clude technical assistance.

7 “(2) CONTRACTS AND GRANTS.—A State entity
8 may use a grant received under this section to carry
9 out the activities described in subparagraphs (A) and
10 (B) of paragraph (1) directly or through grants, con-
11 tracts, or cooperative agreements.

12 “(3) RULE OF CONSTRUCTION.—Nothing in this
13 Act shall prohibit the Secretary from awarding grants
14 to States that use a weighted lottery to give slightly
15 better chances for admission to all, or a subset of, edu-
16 cationally disadvantaged students if—

17 “(A) the use of weighted lotteries in favor of
18 such students is not prohibited by State law, and
19 such State law is consistent with laws described
20 in section 5210(1)(G); and

21 “(B) such weighted lotteries are not used for
22 the purpose of creating schools exclusively to
23 serve a particular subset of students.

24 “(c) PROGRAM PERIODS; PEER REVIEW; GRANT NUM-
25 BER AND AMOUNT; DIVERSITY OF PROJECTS; WAIVERS.—

1 “(1) *PROGRAM PERIODS.*—

2 “(A) *GRANTS.*—A grant awarded by the
3 Secretary to a State entity under this section
4 shall be for a period of not more than 5 years.

5 “(B) *SUBGRANTS.*—A subgrant awarded by
6 a State entity under this section shall be for a
7 period of not more than 5 years, of which an eli-
8 gible applicant may use not more than 18
9 months for planning and program design.

10 “(2) *PEER REVIEW.*—The Secretary, and each
11 State entity receiving a grant under this section, shall
12 use a peer review process to review applications for
13 assistance under this section.

14 “(3) *GRANT AWARDS.*—The Secretary shall—

15 “(A) for each fiscal year for which funds are
16 appropriated under section 5211—

17 “(i) award not less than 3 grants
18 under this section;

19 “(ii) wholly fund each grant awarded
20 under this section, without making continu-
21 ation awards; and

22 “(iii) fully obligate the funds appro-
23 priated for the purpose of awarding grants
24 under this section in the fiscal year for
25 which such grants are awarded; and

1 “(B) midway through the grant period of
2 each grant awarded under this section to a State
3 entity, review the grant to determine whether the
4 State entity will meet the agreed upon uses of
5 funds in the State entity’s application, and if
6 not, reallot the grant funds that will not be used
7 for such agreed upon uses of funds to other State
8 entities during the succeeding grant competition
9 under this section.

10 “(4) DIVERSITY OF PROJECTS.—Each State enti-
11 ty receiving a grant under this section shall award
12 subgrants under this section in a manner that, to the
13 extent possible, ensures that such subgrants—

14 “(A) are distributed throughout different
15 areas, including urban, suburban, and rural
16 areas; and

17 “(B) will assist charter schools representing
18 a variety of educational approaches.

19 “(5) WAIVERS.—The Secretary may waive any
20 statutory or regulatory requirement over which the
21 Secretary exercises administrative authority except
22 any such requirement relating to the elements of a
23 charter school described in section 5210(1), if—

24 “(A) the waiver is requested in an approved
25 application under this section; and

1 “(B) the Secretary determines that granting
2 such a waiver will promote the purpose of this
3 subpart.

4 “(d) **LIMITATIONS.**—

5 “(1) **GRANTS.**—A State entity may not receive
6 more than 1 grant under this section for a 5-year pe-
7 riod.

8 “(2) **SUBGRANTS.**—An eligible applicant may
9 not receive more than 1 subgrant under this section
10 per individual charter school for a 5-year period, un-
11 less the eligible applicant demonstrates to the State
12 entity not less than 3 years of improved educational
13 results in the areas described in subparagraphs (A)
14 and (D) of section 5210(8) for students enrolled in
15 such charter school.

16 “(e) **APPLICATIONS.**—A State entity desiring to receive
17 a grant under this section shall submit an application to
18 the Secretary at such time and in such manner as the Sec-
19 retary may require. The application shall include the fol-
20 lowing:

21 “(1) **DESCRIPTION OF PROGRAM.**—A description
22 of the State entity’s objectives under this section and
23 how the objectives of the program will be carried out,
24 including a description—

25 “(A) of how the State entity—

1 “(i) will support the opening of new
2 charter schools, replicated, high-quality
3 charter school models, or expanded, high-
4 quality charter schools, and a description of
5 the proposed number of each type of charter
6 school or model, if applicable, to be opened
7 under the State entity’s program;

8 “(ii) will inform eligible charter
9 schools, developers, and authorized public
10 chartering agencies of the availability of
11 funds under the program;

12 “(iii) will work with eligible appli-
13 cants to ensure that the eligible applicants
14 access all Federal funds that they are eligi-
15 ble to receive, and help the charter schools
16 supported by the applicants and the stu-
17 dents attending the charter schools—

18 “(I) participate in the Federal
19 programs in which the schools and stu-
20 dents are eligible to participate;

21 “(II) receive the commensurate
22 share of Federal funds the schools and
23 students are eligible to receive under
24 such programs; and

1 “(III) meet the needs of students
2 served under such programs, including
3 student with disabilities and English
4 learners;

5 “(iv) will have clear plans and proce-
6 dures to assist students enrolled in a charter
7 school that closes or loses its charter to at-
8 tend other high-quality schools;

9 “(v) in the case in which the State en-
10 tity is not a State educational agency—

11 “(I) will work with the State edu-
12 cational agency and the charter schools
13 in the State to maximize charter school
14 participation in Federal and State
15 programs for charter schools; and

16 “(II) will work with the State
17 educational agency to adequately oper-
18 ate the State entity’s program under
19 this section, where applicable;

20 “(vi) will ensure each eligible appli-
21 cant that receives a subgrant under the
22 State entity’s program to open and prepare
23 to operate a new charter school, a rep-
24 licated, high-quality charter school model,

1 or an expanded, high-quality charter
2 school—

3 “(I) will ensure such school or
4 model meets the requirements under
5 section 5210(1); and

6 “(II) is prepared to continue to
7 operate such school or model, in a
8 manner consistent with the eligible ap-
9 plicant’s application, after the
10 subgrant funds have expired;

11 “(vii) will support charter schools in
12 local educational agencies with large num-
13 bers of schools identified by the State for
14 improvement;

15 “(viii) will work with charter schools
16 to promote inclusion of all students and
17 support all students once they are enrolled
18 to promote retention;

19 “(ix) will work with charter schools on
20 recruitment practices, including efforts to
21 engage groups that may otherwise have lim-
22 ited opportunities to participate in charter
23 schools, and to ensure such schools do not
24 have in effect policies or procedures that
25 may create barriers to enrollment of stu-

1 *an authorized public chartering agency*
2 *based on the performance of the charter*
3 *schools authorized by such agency in the*
4 *areas of student achievement, student safety,*
5 *financial management, and compliance*
6 *with all applicable statutes and regulations;*
7 *and*

8 “*(xiv) in the case of a State entity de-*
9 *defined in subsection (i)(4), will work with*
10 *the State to provide assistance to and over-*
11 *sight of authorized public chartering agen-*
12 *cies for authorizing activity described in*
13 *clause (xiii);*

14 “*(B) of the extent to which the State enti-*
15 *ty—*

16 “*(i) is able to meet and carry out the*
17 *priorities listed in subsection (f)(2); and*

18 “*(ii) is working to develop or strength-*
19 *en a cohesive statewide system to support*
20 *the opening of new charter schools, rep-*
21 *licated, high-quality charter school models,*
22 *or expanded, high-quality charter schools;*

23 “*(C) of how the State entity will carry out*
24 *the subgrant competition, including—*

1 “(i) a description of the application
2 each eligible applicant desiring to receive a
3 subgrant will submit, including—

4 “(I) a description of the roles and
5 responsibilities of eligible applicants,
6 partner organizations, and manage-
7 ment organizations, including the ad-
8 ministrative and contractual roles and
9 responsibilities;

10 “(II) a description of the quality
11 controls agreed to between the eligible
12 applicant and the authorized public
13 chartering agency involved, such as a
14 contract or performance agreement,
15 how a school’s performance in the
16 State’s academic accountability system
17 will be a primary factor for renewal or
18 revocation of the school’s charter, and
19 how the State entity and the author-
20 ized public chartering agency involved
21 will reserve the right to revoke or not
22 renew a school’s charter based on fi-
23 nancial, structural, or operational fac-
24 tors involving the management of the
25 school;

1 “(III) a description of how the eli-
2 gible applicant will solicit and con-
3 sider input from parents and other
4 members of the community on the im-
5 plementation and operation of each
6 charter school receiving funds under
7 the State entity’s program; and

8 “(IV) a description of the planned
9 activities and expenditures for the
10 subgrant funds for purposes of opening
11 and preparing to operate a new char-
12 ter school, a replicated, high-quality
13 charter school model, or an expanded,
14 high-quality charter school, and how
15 the school or model will maintain fi-
16 nancial sustainability after the end of
17 the subgrant period; and

18 “(ii) a description of how the State en-
19 tity will review applications;

20 “(D) in the case of an entity that partners
21 with an outside organization to carry out the
22 State entity’s quality charter school program, in
23 whole or in part, of the roles and responsibilities
24 of this partner;

1 “(E) of how the State entity will help the
2 charter schools receiving funds under the State
3 entity’s program consider the transportation
4 needs of the schools’ students; and

5 “(F) of how the State entity will support
6 diverse charter school models, including models
7 that serve rural communities.

8 “(2) ASSURANCES.—Assurances, including a de-
9 scription of how the assurances will be met, that—

10 “(A) each charter school receiving funds
11 under the State entity’s program will have a
12 high degree of autonomy over budget and oper-
13 ations;

14 “(B) the State entity will support charter
15 schools in meeting the educational needs of their
16 students as described in paragraph (1)(A)(x);

17 “(C) the State entity will ensure that the
18 authorized public chartering agency of any char-
19 ter school that receives funds under the State en-
20 tity’s program—

21 “(i) adequately monitors each charter
22 school in recruiting, enrolling, and meeting
23 the needs of all students, including students
24 with disabilities and English learners; and

1 “(ii) ensures that each charter school
2 solicits and considers input from parents
3 and other members of the community on the
4 implementation and operation of the school;
5 “(D) the State entity will provide adequate
6 technical assistance to eligible applicants to—

7 “(i) meet the objectives described in
8 clauses (vii) and (viii) of paragraph (1)(A)
9 and paragraph (2)(B); and

10 “(ii) recruit, enroll, and retain tradition-
11 ally underserved students, including
12 students with disabilities and English
13 learners, at rates similar to traditional
14 public schools;

15 “(E) the State entity will promote quality
16 authorizing, such as through providing technical
17 assistance and supporting all authorized public
18 chartering agencies in the State to improve the
19 oversight of their charter schools, including by—

20 “(i) assessing annual performance data
21 of the schools, including, as appropriate,
22 graduation rates and student academic
23 growth;

24 “(ii) reviewing the schools’ inde-
25 pendent, annual audits of financial state-

1 *ments conducted in accordance with gen-*
2 *erally accepted accounting principles, and*
3 *ensuring any such audits are publically re-*
4 *ported; and*

5 “*(iii) holding charter schools account-*
6 *able to the academic, financial, and oper-*
7 *ational quality controls agreed to between*
8 *the charter school and the authorized public*
9 *chartering agency involved, such as through*
10 *renewal, non-renewal, or revocation of the*
11 *school’s charter;*

12 “*(F) the State entity will work to ensure*
13 *that charter schools are included with the tradi-*
14 *tional public schools in decision-making about*
15 *the public school system in the State; and*

16 “*(G) the State entity will ensure that each*
17 *charter school in the State make publicly avail-*
18 *able, consistent with the dissemination require-*
19 *ments of the annual State report card, informa-*
20 *tion to help parents make informed decisions*
21 *about the education options available to their*
22 *children, including information on the edu-*
23 *cational program, student support services, and*
24 *annual performance and enrollment data for the*

1 *groups of students described in section*
2 *1111(b)(2)(C)(v)(II).*

3 “(3) REQUESTS FOR WAIVERS.—A request and
4 *justification for waivers of any Federal statutory or*
5 *regulatory provisions that the State entity believes are*
6 *necessary for the successful operation of the charter*
7 *schools that will receive funds under the State entity’s*
8 *program under this section, and a description of any*
9 *State or local rules, generally applicable to public*
10 *schools, that will be waived, or otherwise not apply to*
11 *such schools or, in the case of a State entity defined*
12 *in subsection (i)(4), a description of how the State en-*
13 *tity will work with the State to request necessary*
14 *waivers where applicable.*

15 “(f) SELECTION CRITERIA; PRIORITY.—

16 “(1) SELECTION CRITERIA.—The Secretary shall
17 *award grants to State entities under this section on*
18 *the basis of the quality of the applications submitted*
19 *under subsection (e), after taking into consider-*
20 *ation—*

21 “(A) the degree of flexibility afforded by the
22 *State’s public charter school law and how the*
23 *State entity will work to maximize the flexibility*
24 *provided to charter schools under the law;*

1 “(B) the ambitiousness of the State entity’s
2 objectives for the quality charter school program
3 carried out under this section;

4 “(C) the quality of the strategy for assessing
5 achievement of those objectives;

6 “(D) the likelihood that the eligible appli-
7 cants receiving subgrants under the program will
8 meet those objectives and improve educational re-
9 sults for students;

10 “(E) the State entity’s plan to—

11 “(i) adequately monitor the eligible ap-
12 plicants receiving subgrants under the State
13 entity’s program;

14 “(ii) work with the authorized public
15 chartering agencies involved to avoid dupli-
16 cation of work for the charter schools and
17 authorized public chartering agencies; and

18 “(iii) provide adequate technical as-
19 sistance and support for—

20 “(I) the charter schools receiving
21 funds under the State entity’s pro-
22 gram; and

23 “(II) quality authorizing efforts
24 in the State; and

1 “(F) the State entity’s plan to solicit and
2 consider input from parents and other members
3 of the community on the implementation and op-
4 eration of the charter schools in the State.

5 “(2) *PRIORITY*.—In awarding grants under this
6 section, the Secretary shall give priority to State enti-
7 ties to the extent that they meet the following criteria:

8 “(A) In the case of a State entity located in
9 a State that allows an entity other than a local
10 educational agency to be an authorized public
11 chartering agency, the State has a quality au-
12 thorized public chartering agency that is an enti-
13 ty other than a local educational agency.

14 “(B) The State entity is located in a State
15 that does not impose any limitation on the num-
16 ber or percentage of charter schools that may
17 exist or the number or percentage of students
18 that may attend charter schools in the State.

19 “(C) The State entity is located in a State
20 that ensures equitable financing, as compared to
21 traditional public schools, for charter schools and
22 students in a prompt manner.

23 “(D) The State entity is located in a State
24 that uses charter schools and best practices from

1 *charter schools to help improve struggling schools*
2 *and local educational agencies.*

3 “(E) *The State entity partners with an or-*
4 *ganization that has a demonstrated record of*
5 *success in developing management organizations*
6 *to support the development of charter schools in*
7 *the State.*

8 “(F) *The State entity supports charter*
9 *schools that support at-risk students through ac-*
10 *tivities such as dropout prevention or dropout*
11 *recovery.*

12 “(G) *The State entity authorizes all charter*
13 *schools in the State to serve as school food au-*
14 *thorities.*

15 “(H) *The State entity has taken steps to en-*
16 *sure that all authorizing public chartering agen-*
17 *cies implement best practices for charter school*
18 *authorizing.*

19 “(g) *LOCAL USES OF FUNDS.*—*An eligible applicant*
20 *receiving a subgrant under this section shall use such funds*
21 *to carry out activities related to opening and preparing to*
22 *operate a new charter school, a replicated, high-quality*
23 *charter school model, or an expanded, high-quality charter*
24 *school, such as—*

1 “(1) preparing teachers and school leaders, in-
2 cluding through professional development;

3 “(2) acquiring equipment, educational materials,
4 and supplies; and

5 “(3) necessary renovations and minor facilities
6 repairs (excluding construction).

7 “(h) REPORTING REQUIREMENTS.—Each State entity
8 receiving a grant under this section shall submit to the Sec-
9 retary, at the end of the third year of the 5-year grant pe-
10 riod and at the end of such grant period, a report on—

11 “(1) the number of students served by each
12 subgrant awarded under this section and, if applica-
13 ble, how many new students were served during each
14 year of the subgrant period;

15 “(2) the progress the State entity made toward
16 meeting the priorities described in subsection (f)(2),
17 as applicable;

18 “(3) how the State entity met the objectives of the
19 quality charter school program described in the State
20 entity’s application under subsection (e);

21 “(4) how the State entity complied with, and en-
22 sured that eligible applicants complied with, the as-
23 surances described in the State entity’s application;

24 “(5) how the State entity worked with authorized
25 public chartering agencies, including how the agencies

1 *worked with the management company or leadership*
2 *of the schools that received subgrants under this sec-*
3 *tion; and*

4 *“(6) the number of subgrants awarded under this*
5 *section to carry out each of the following:*

6 *“(A) The opening of new charter schools.*

7 *“(B) The opening of replicated, high-quality*
8 *charter school models.*

9 *“(C) The opening of expanded, high-quality*
10 *charter schools.*

11 *“(i) STATE ENTITY DEFINED.—For purposes of this*
12 *section, the term ‘State entity’ means—*

13 *“(1) a State educational agency;*

14 *“(2) a State charter school board;*

15 *“(3) a Governor of a State; or*

16 *“(4) a charter school support organization.”.*

17 **SEC. 6. FACILITIES FINANCING ASSISTANCE.**

18 *Section 5204 (20 U.S.C. 7221c) is amended to read*
19 *as follows:*

20 **“SEC. 5204. FACILITIES FINANCING ASSISTANCE.**

21 *“(a) GRANTS TO ELIGIBLE ENTITIES.—*

22 *“(1) IN GENERAL.—From the amount reserved*
23 *under section 5202(b)(1), the Secretary shall not use*
24 *less than 50 percent to award grants to eligible enti-*
25 *ties that have the highest-quality applications ap-*

1 *proved under subsection (d), after considering the di-*
2 *versity of such applications, to demonstrate innova-*
3 *tive methods of assisting charter schools to address the*
4 *cost of acquiring, constructing, and renovating facili-*
5 *ties by enhancing the availability of loans or bond fi-*
6 *nancing.*

7 “(2) *ELIGIBLE ENTITY DEFINED.*—For purposes
8 *of this section, the term ‘eligible entity’ means—*

9 “(A) *a public entity, such as a State or*
10 *local governmental entity;*
11 “(B) *a private nonprofit entity; or*
12 “(C) *a consortium of entities described in*
13 *subparagraphs (A) and (B).*

14 “(b) *GRANTEE SELECTION.*—The Secretary shall
15 *evaluate each application submitted under subsection (d),*
16 *and shall determine whether the application is sufficient*
17 *to merit approval.*

18 “(c) *GRANT CHARACTERISTICS.*—Grants under sub-

19 *section (a) shall be of a sufficient size, scope, and quality*
20 *so as to ensure an effective demonstration of an innovative*
21 *means of enhancing credit for the financing of charter*
22 *school acquisition, construction, or renovation.*

23 “(d) *APPLICATIONS.*—

24 “(1) *IN GENERAL.*—To receive a grant under

25 *subsection (a), an eligible entity shall submit to the*

1 Secretary an application in such form as the Sec-
2 retary may reasonably require.

3 “(2) CONTENTS.—An application submitted
4 under paragraph (1) shall contain—

5 “(A) a statement identifying the activities
6 proposed to be undertaken with funds received
7 under subsection (a), including how the eligible
8 entity will determine which charter schools will
9 receive assistance, and how much and what types
10 of assistance charter schools will receive;

11 “(B) a description of the involvement of
12 charter schools in the application’s development
13 and the design of the proposed activities;

14 “(C) a description of the eligible entity’s ex-
15 pertise in capital market financing;

16 “(D) a description of how the proposed ac-
17 tivities will leverage the maximum amount of
18 private-sector financing capital relative to the
19 amount of public funding used and otherwise en-
20 hance credit available to charter schools, includ-
21 ing how the eligible entity will offer a combina-
22 tion of rates and terms more favorable than the
23 rates and terms that a charter school could re-
24 ceive without assistance from the eligible entity
25 under this section;

1 “(E) a description of how the eligible entity
2 possesses sufficient expertise in education to
3 evaluate the likelihood of success of a charter
4 school program for which facilities financing is
5 sought; and

6 “(F) in the case of an application submitted
7 by a State governmental entity, a description of
8 the actions that the entity has taken, or will
9 take, to ensure that charter schools within the
10 State receive the funding the charter schools need
11 to have adequate facilities.

12 “(e) *CHARTER SCHOOL OBJECTIVES*.—An eligible en-
13 tity receiving a grant under this section shall use the funds
14 deposited in the reserve account established under subsection
15 (f) to assist one or more charter schools to access private
16 sector capital to accomplish one or more of the following
17 objectives:

18 “(1) The acquisition (by purchase, lease, dona-
19 tion, or otherwise) of an interest (including an inter-
20 est held by a third party for the benefit of a charter
21 school) in improved or unimproved real property that
22 is necessary to commence or continue the operation of
23 a charter school.

24 “(2) The construction of new facilities, or the
25 renovation, repair, or alteration of existing facilities,

1 *necessary to commence or continue the operation of a*
2 *charter school.*

3 “(3) *The predevelopment costs required to assess*
4 *sites for purposes of paragraph (1) or (2) and which*
5 *are necessary to commence or continue the operation*
6 *of a charter school.*

7 “(f) *RESERVE ACCOUNT.—*

8 “(1) *USE OF FUNDS.—To assist charter schools*
9 *to accomplish the objectives described in subsection*
10 *(e), an eligible entity receiving a grant under sub-*
11 *section (a) shall, in accordance with State and local*
12 *law, directly or indirectly, alone or in collaboration*
13 *with others, deposit the funds received under sub-*
14 *section (a) (other than funds used for administrative*
15 *costs in accordance with subsection (g)) in a reserve*
16 *account established and maintained by the eligible en-*
17 *tity for this purpose. Amounts deposited in such ac-*
18 *count shall be used by the eligible entity for one or*
19 *more of the following purposes:*

20 “(A) *Guaranteeing, insuring, and rein-*
21 *suring bonds, notes, evidences of debt, loans, and*
22 *interests therein, the proceeds of which are used*
23 *for an objective described in subsection (e).*

1 “(B) *Guaranteeing and insuring leases of*
2 *personal and real property for an objective de-*
3 *scribed in subsection (e).*

4 “(C) *Facilitating financing by identifying*
5 *potential lending sources, encouraging private*
6 *lending, and other similar activities that directly*
7 *promote lending to, or for the benefit of, charter*
8 *schools.*

9 “(D) *Facilitating the issuance of bonds by*
10 *charter schools, or by other public entities for the*
11 *benefit of charter schools, by providing technical,*
12 *administrative, and other appropriate assistance*
13 *(including the recruitment of bond counsel, un-*
14 *derwriters, and potential investors and the con-*
15 *solidation of multiple charter school projects*
16 *within a single bond issue).*

17 “(2) *INVESTMENT.*—Funds received under this
18 section and deposited in the reserve account estab-
19 lished under paragraph (1) shall be invested in obli-
20 gations issued or guaranteed by the United States or
21 a State, or in other similarly low-risk securities.

22 “(3) *REINVESTMENT OF EARNINGS.*—Any earn-
23 ings on funds received under subsection (a) shall be
24 deposited in the reserve account established under

1 paragraph (1) and used in accordance with such
2 paragraph.

3 “(g) *LIMITATION ON ADMINISTRATIVE COSTS*.—An eli-
4 gible entity may use not more than 2.5 percent of the funds
5 received under subsection (a) for the administrative costs
6 of carrying out its responsibilities under this section (ex-
7 cluding subsection (k)).

8 “(h) *AUDITS AND REPORTS*.—

9 “(1) *FINANCIAL RECORD MAINTENANCE AND*
10 *AUDIT*.—The financial records of each eligible entity
11 receiving a grant under subsection (a) shall be main-
12 tained in accordance with generally accepted account-
13 ing principles and shall be subject to an annual audit
14 by an independent public accountant.

15 “(2) *REPORTS*.—

16 “(A) *GRANTEE ANNUAL REPORTS*.—Each el-
17 igible entity receiving a grant under subsection
18 (a) annually shall submit to the Secretary a re-
19 port of its operations and activities under this
20 section.

21 “(B) *CONTENTS*.—Each annual report sub-
22 mitted under subparagraph (A) shall include—

23 “(i) a copy of the most recent financial
24 statements, and any accompanying opinion
25 on such statements, prepared by the inde-

1 *pendent public accountant reviewing the fi-*
2 *nancial records of the eligible entity;*

3 “(ii) *a copy of any report made on an*
4 *audit of the financial records of the eligible*
5 *entity that was conducted under paragraph*
6 *(1) during the reporting period;*

7 “(iii) *an evaluation by the eligible en-*
8 *tity of the effectiveness of its use of the Fed-*
9 *eral funds provided under subsection (a) in*
10 *leveraging private funds;*

11 “(iv) *a listing and description of the*
12 *charter schools served during the reporting*
13 *period, including the amount of funds used*
14 *by each school, the type of project facilitated*
15 *by the grant, and the type of assistance pro-*
16 *vided to the charter schools;*

17 “(v) *a description of the activities car-*
18 *ried out by the eligible entity to assist char-*
19 *ter schools in meeting the objectives set forth*
20 *in subsection (e); and*

21 “(vi) *a description of the characteris-*
22 *tics of lenders and other financial institu-*
23 *tions participating in the activities under-*
24 *taken by the eligible entity under this sec-*

9 “(i) *NO FULL FAITH AND CREDIT FOR GRANTEE OB-*
10 *LIGATION.*—*No financial obligation of an eligible entity en-*
11 *tered into pursuant to this section (such as an obligation*
12 *under a guarantee, bond, note, evidence of debt, or loan)*
13 *shall be an obligation of, or guaranteed in any respect by,*
14 *the United States. The full faith and credit of the United*
15 *States is not pledged to the payment of funds which may*
16 *be required to be paid under any obligation made by an*
17 *eligible entity pursuant to any provision of this section.*

18 "(j) RECOVERY OF FUNDS.—

19 “(1) *IN GENERAL.*—The Secretary, in accordance
20 with chapter 37 of title 31, United States Code, shall
21 collect—

22 “(A) all of the funds in a reserve account es-
23 tablished by an eligible entity under subsection
24 (f)(1) if the Secretary determines, not earlier
25 than 2 years after the date on which the eligible

1 entity first received funds under this section (excluding subsection (k)), that the eligible entity
2 has failed to make substantial progress in carrying out the purposes described in subsection
3 (f)(1); or
4

5 “(B) all or a portion of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in subsection (f)(1).

6 “(2) EXERCISE OF AUTHORITY.—The Secretary
7 shall not exercise the authority provided in paragraph
8 (1) to collect from any eligible entity any funds that
9 are being properly used to achieve one or more of the
10 purposes described in subsection (f)(1).

11 “(3) PROCEDURES.—The provisions of sections
12 451, 452, and 458 of the General Education Provisions Act 20 U.S.C. 124, 1234a, 1234g shall apply to the recovery of funds under paragraph (1).

13 “(4) CONSTRUCTION.—This subsection shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the Gen-

1 *eral Education Provisions Act (20 U.S.C. 1234 et*
2 *seq.).*

3 “(k) *PER-PUPIL FACILITIES AID PROGRAM.*—

4 “(1) *DEFINITION OF PER-PUPIL FACILITIES AID*
5 *PROGRAM.*—*In this subsection, the term ‘per-pupil fa-*
6 *cilities aid program’ means a program in which a*
7 *State makes payments, on a per-pupil basis, to char-*
8 *ter schools to provide the schools with financing—*

9 “(A) *that is dedicated solely for funding*
10 *charter school facilities; or*

11 “(B) *a portion of which is dedicated for*
12 *funding charter school facilities.*

13 “(2) *GRANTS.*—

14 “(A) *IN GENERAL.*—*From the amount*
15 *under section 5202(b)(1) remaining after the*
16 *Secretary makes grants under subsection (a), the*
17 *Secretary shall make grants, on a competitive*
18 *basis, to States to pay for the Federal share of*
19 *the cost of establishing or enhancing, and admin-*
20 *istering per-pupil facilities aid programs.*

21 “(B) *PERIOD.*—*The Secretary shall award*
22 *grants under this subsection for periods of not*
23 *more than 5 years.*

24 “(C) *FEDERAL SHARE.*—*The Federal share*
25 *of the cost described in subparagraph (A) for a*

1 *per-pupil facilities aid program shall be not*
2 *more than—*

3 “(i) 90 percent of the cost, for the first
4 fiscal year for which the program receives
5 assistance under this subsection;

6 “(ii) 80 percent in the second such
7 year;

8 “(iii) 60 percent in the third such
9 year;

10 “(iv) 40 percent in the fourth such
11 year; and

12 “(v) 20 percent in the fifth such year.

13 “(D) STATE SHARE.—A State receiving a
14 grant under this subsection may partner with 1
15 or more organizations to provide up to 50 per-
16 cent of the State share of the cost of establishing
17 or enhancing, and administering the per-pupil
18 facilities aid program.

19 “(E) MULTIPLE GRANTS.—A State may re-
20 ceive more than 1 grant under this subsection, so
21 long as the amount of such funds provided to
22 charter schools increases with each successive
23 grant.

24 “(3) USE OF FUNDS.—

1 “(A) *IN GENERAL*.—A State that receives a
2 grant under this subsection shall use the funds
3 made available through the grant to establish or
4 enhance, and administer, a per-pupil facilities
5 aid program for charter schools in the State of
6 the applicant.

7 “(B) *EVALUATIONS; TECHNICAL ASSIST-
8 ANCE; DISSEMINATION*.—From the amount made
9 available to a State through a grant under this
10 subsection for a fiscal year, the State may re-
11 serve not more than 5 percent to carry out eval-
12 uations, to provide technical assistance, and to
13 disseminate information.

14 “(C) *SUPPLEMENT, NOT SUPPLANT*.—Funds
15 made available under this subsection shall be
16 used to supplement, and not supplant, State and
17 local public funds expended to provide per pupil
18 facilities aid programs, operations financing
19 programs, or other programs, for charter schools.

20 “(4) *REQUIREMENTS*.—

21 “(A) *VOLUNTARY PARTICIPATION*.—No State
22 may be required to participate in a program
23 carried out under this subsection.

24 “(B) *STATE LAW*.—

1 “(i) *IN GENERAL.*—Except as provided
2 in clause (ii), to be eligible to receive a
3 grant under this subsection, a State shall
4 establish or enhance, and administer, a per-
5 pupil facilities aid program for charter
6 schools in the State, that—

7 “(I) is specified in State law; and
8 “(II) provides annual financing,
9 on a per-pupil basis, for charter school
10 facilities.

11 “(ii) *SPECIAL RULE.*—Notwith-
12 standing clause (i), a State that is required
13 under State law to provide its charter
14 schools with access to adequate facility
15 space, but which does not have a per-pupil
16 facilities aid program for charter schools
17 specified in State law, may be eligible to re-
18 ceive a grant under this subsection if the
19 State agrees to use the funds to develop a
20 per-pupil facilities aid program consistent
21 with the requirements of this subsection.

22 “(5) *APPLICATIONS.*—To be eligible to receive a
23 grant under this subsection, a State shall submit an
24 application to the Secretary at such time, in such

1 *manner, and containing such information as the Sec-
2 *retary may require.”.**

3 **SEC. 7. NATIONAL ACTIVITIES.**

4 *Section 5205 (20 U.S.C. 7221d) is amended to read
5 as follows:*

6 **“SEC. 5205. NATIONAL ACTIVITIES.**

7 *“(a) IN GENERAL.—From the amount reserved under
8 section 5202(b)(2), the Secretary shall—*

9 *“(1) use not less than 75 percent of such funds
10 to award grants in accordance with subsection (b);
11 and*

12 *“(2) use not more than 25 percent of such funds
13 to—*

14 *“(A) provide technical assistance to State
15 entities in awarding subgrants under section
16 5203, and eligible entities and States receiving
17 grants under section 5204;*

18 *“(B) disseminate best practices; and*

19 *“(C) evaluate the impact of the charter
20 school program, including the impact on student
21 achievement, carried out under this subpart.*

22 *“(b) GRANTS.—*

23 *“(1) IN GENERAL.—The Secretary shall make
24 grants, on a competitive basis, to eligible applicants
25 for the purpose of carrying out the activities described*

1 *in section 5202(a)(1), subparagraphs (A) through (C)*
2 *of section 5203(a)(1), and section 5203(g).*

3 “*(2) TERMS AND CONDITIONS.*—*Except as other-*
4 *wise provided in this subsection, grants awarded*
5 *under this subsection shall have the same terms and*
6 *conditions as grants awarded to State entities under*
7 *section 5203.*

8 “*(3) CHARTER MANAGEMENT ORGANIZATIONS.*—
9 *The Secretary shall—*

10 “*(A) use not less than 75 percent of the*
11 *funds described in subsection (a)(1) to make*
12 *grants, on a competitive basis, to eligible appli-*
13 *cants described in paragraph (4)(C); and*

14 “*(B) notwithstanding paragraphs (1)(A)*
15 *and (2) of section 5203(f)—*

16 “*(i) award grants to eligible appli-*
17 *cants on the basis of the quality of the ap-*
18 *plications submitted under this subsection;*
19 *and*

20 “*(ii) in awarding grants to eligible ap-*
21 *plicants described in paragraph (4)(C), give*
22 *priority to each such eligible applicant*
23 *that—*

24 “*(I) demonstrates a high propor-*
25 *tion of high-quality charter schools*

1 *within the network of the eligible ap-*
2 *plicant;*

3 *“(II) demonstrates success in serv-*
4 *ing students who are educationally dis-*
5 *advantaged;*

6 *“(III) does not have a significant*
7 *proportion of charter schools that have*
8 *been closed, had their charter revoked*
9 *for compliance issues, or had their af-*
10 *filiation with such eligible applicant*
11 *revoked;*

12 *“(IV) has sufficient procedures in*
13 *effect to ensure timely closure of low-*
14 *performing or financially-mismanaged*
15 *charter schools and clear plans and*
16 *procedures in effect for the students in*
17 *such schools to attend other high-qual-*
18 *ity schools; and*

19 *“(V) demonstrates success in*
20 *working with schools identified for im-*
21 *provement by the State.*

22 *“(4) ELIGIBLE APPLICANT DEFINED.—For pur-*
23 *poses of this subsection, the term ‘eligible applicant’*
24 *means an eligible applicant (as defined in section*
25 *5210) that—*

1 “(A) desires to open a charter school in—
2 “(i) a State that did not apply for a
3 grant under section 5203; or
4 “(ii) a State that did not receive a
5 grant under section 5203; or
6 “(B) is a charter management organization.
7 “(c) CONTRACTS AND GRANTS.—The Secretary may
8 carry out any of the activities described in this section di-
9 rectly or through grants, contracts, or cooperative agree-
10 ments.”.

11 **SEC. 8. RECORDS TRANSFER.**

12 Section 5208 (20 U.S.C. 7221g) is amended—
13 (1) by inserting “as quickly as possible and” be-
14 fore “to the extent practicable”; and
15 (2) by striking “section 602” and inserting “sec-
16 tion 602(14)”.

17 **SEC. 9. DEFINITIONS.**

18 Section 5210 (20 U.S.C. 7221i) is amended—
19 (1) by amending paragraph (1) to read as fol-
20 lows:

21 “(1) CHARTER SCHOOL.—The term ‘charter
22 school’ means a public school that—
23 “(A) in accordance with a specific State
24 statute authorizing the granting of charters to
25 schools, is exempt from significant State or local

1 *rules that inhibit the flexible operation and man-*
2 *agement of public schools, but not from any rules*
3 *relating to the other requirements of this para-*
4 *graph;*

5 “*(B) is created by a developer as a public*
6 *school, or is adapted by a developer from an ex-*
7 *isting public school, and is operated under pub-*
8 *lic supervision and direction;*

9 “*(C) operates in pursuit of a specific set of*
10 *educational objectives determined by the school’s*
11 *developer and agreed to by the authorized public*
12 *chartering agency;*

13 “*(D) provides a program of elementary or*
14 *secondary education, or both;*

15 “*(E) is nonsectarian in its programs, ad-*
16 *missions policies, employment practices, and all*
17 *other operations, and is not affiliated with a sec-*
18 *tarian school or religious institution;*

19 “*(F) does not charge tuition;*

20 “*(G) complies with the Age Discrimination*
21 *Act of 1975, title VI of the Civil Rights Act of*
22 *1964, title IX of the Education Amendments of*
23 *1972, section 504 of the Rehabilitation Act of*
24 *1973, part B of the Individuals with Disabilities*
25 *Education Act, the Americans with Disabilities*

1 *Act of 1990 (42 U.S.C. 12101 et seq.), and sec-*
2 *tion 444 of the General Education Provisions*
3 *Act (20 U.S.C. 1232(g)) (commonly known as*
4 *the 'Family Education Rights and Privacy Act*
5 *of 1974');*

6 “(H) is a school to which parents choose to
7 send their children, and admits students on the
8 basis of a lottery if more students apply for ad-
9 mission than can be accommodated, except that
10 in cases in which students who are enrolled in
11 a charter school affiliated (such as by sharing a
12 network) with another charter school, those stu-
13 dents may be automatically enrolled in the next
14 grade level at such other charter school, so long
15 as a lottery is used to fill seats created through
16 regular attrition in student enrollment;

17 “(I) agrees to comply with the same Federal
18 and State audit requirements as do other elemen-
19 tary schools and secondary schools in the State,
20 unless such State audit requirements are waived
21 by the State;

22 “(J) meets all applicable Federal, State,
23 and local health and safety requirements;

24 “(K) operates in accordance with State law;

1 “(L) has a written performance contract
2 with the authorized public chartering agency in
3 the State that includes a description of how stu-
4 dent performance will be measured in charter
5 schools pursuant to State assessments that are
6 required of other schools and pursuant to any
7 other assessments mutually agreeable to the au-
8 thorized public chartering agency and the char-
9 ter school; and

10 “(M) may serve prekindergarten or postsec-
11 ondary students.”;

12 (2) by redesignating paragraphs (2) through (4)
13 as paragraphs (4) through (6), respectively;

14 (3) by inserting after paragraph (1), the fol-
15 lowing:

16 “(2) **CHARTER MANAGEMENT ORGANIZATION.**—
17 The term ‘charter management organization’ means a
18 not-for-profit organization that manages a network of
19 charter schools linked by centralized support, oper-
20 ations, and oversight.

21 “(3) **CHARTER SCHOOL SUPPORT ORGANIZA-**
22 **TION.**—The term ‘charter school support organization’
23 means a nonprofit, nongovernmental entity that is
24 not an authorized public chartering agency, which
25 provides on a statewide basis—

1 “(A) assistance to developers during the
2 planning, program design, and initial imple-
3 mentation of a charter school; and

4 “(B) technical assistance to charter schools
5 to operate such schools.”;

6 (4) in paragraph (5)(B), as so redesignated, by
7 striking “under section 5203(d)(3)”;

8 (5) by adding at the end the following:

9 “(7) EXPANDED, HIGH-QUALITY CHARTER
10 SCHOOL.—The term ‘expanded, high-quality charter
11 school’ means a high-quality charter school that has
12 either significantly increased its enrollment or added
13 one or more grades to its school.

14 “(8) HIGH-QUALITY CHARTER SCHOOL.—The
15 term ‘high-quality charter school’ means a charter
16 school that—

17 “(A) shows evidence of strong academic re-
18 sults, which may include strong academic growth
19 as determined by a State;

20 “(B) has no significant issues in the areas
21 of student safety, operational and financial man-
22 agement, or statutory or regulatory compliance;

23 “(C) has demonstrated success in signifi-
24 cantly increasing student academic achievement,
25 including graduation rates where applicable,

1 *consistent with the requirements under title I, for*
2 *all students served by the charter school; and*
3 *“(D) has demonstrated success in increasing*
4 *student academic achievement, including grad-*
5 *uation rates where applicable, for the groups of*
6 *students described in section*
7 *1111(b)(2)(C)(v)(II), except that such demonstra-*
8 *tion is not required in a case in which the num-*
9 *ber of students in a group is insufficient to yield*
10 *statistically reliable information or the results*
11 *would reveal personally identifiable information*
12 *about an individual student.*

13 *“(9) REPLICATED, HIGH-QUALITY CHARTER*
14 *SCHOOL MODEL.—The term ‘replicated, high-quality*
15 *charter school model’ means a high-quality charter*
16 *school that has opened a new campus under an exist-*
17 *ing charter or an additional charter if required by*
18 *State law.”.*

19 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

20 *Section 5211 (20 U.S.C. 7221j) is amended to read*
21 *as follows:*

22 **“SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.**

23 *“There are authorized to be appropriated to carry out*
24 *this subpart \$300,000,000 for fiscal year 2015 and each of*
25 *the 5 succeeding fiscal years.”.*

1 **SEC. 11. CONFORMING AMENDMENTS.**

2 (a) *REPEAL.*—Subpart 2 of part B of title V (20
3 U.S.C. 7223 et seq.) is repealed.

4 (b) *TABLE OF CONTENTS.*—The table of contents in
5 section 2 is amended—

6 (1) by striking the item relating to subpart 1 of
7 part B of title V and inserting the following:

“Subpart 1—Charter School Program”;

8 (2) by striking the item relating to section 5203
9 and inserting the following:

“Sec. 5203. Grants to support high-quality charter schools.”;

10 (3) by striking the item relating to section 5204
11 and inserting the following:

“Sec. 5204. Facilities financing assistance.”; and

12 (4) by striking the items relating to subpart 2 of
13 part B of title V.

Union Calendar No. 312

113TH CONGRESS
2D SESSION
H. R. 10

[Report No. 113-423]

A BILL

To amend the charter school program under the Elementary and Secondary Education Act of 1965.

APRIL 29, 2014

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed