

.....
(Original Signature of Member)

111TH CONGRESS
1ST SESSION

H. R. _____

To create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. EHLERS introduced the following bill; which was referred to the
Committee on _____

A BILL

To create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Standards to Provide Educational Achievement for Kids
4 Act” or the “SPEAK Act”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Assessing science in the National Assessment of Educational Progress.
- Sec. 4. Definitions.
- Sec. 5. Voluntary American education content standards; American Standards
Incentive Fund.
- Sec. 6. Authorization of appropriations.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Throughout the years, educators and policy-
10 makers have consistently embraced standards as the
11 mechanism to ensure that every student, no matter
12 what school the student attends, masters the skills
13 and develops the knowledge needed to participate in
14 a global economy.

15 (2) Recent international comparisons make
16 clear that students in the United States have signifi-
17 cant shortcomings in mathematics and science, yet a
18 high level of scientific and mathematics literacy is
19 essential to societal innovations and advancements.

20 (3) With more than 50 different sets of aca-
21 demic content standards, 50 State academic assess-
22 ments, and 50 definitions of proficiency under sec-

1 tion 1111(b) of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 6311(b)), there is
3 great variability in the measures, standards, and
4 benchmarks for academic achievement in mathe-
5 matics and science.

6 (4) Variation in State standards and the ac-
7 companying measures of proficiency make it difficult
8 for parents and teachers to meaningfully gauge how
9 well their children are learning mathematics and
10 science in comparison to their peers internationally
11 or here at home.

12 (5) The disparity in the rigor of standards
13 across States yield test results that tell the public
14 little about how schools are performing and pro-
15 gressing, as States with low standards or low pro-
16 ficiency requirements may appear to be doing much
17 better than States with more rigorous standards or
18 higher requirements for proficiency.

19 (6) As a result, the United States' highly mo-
20 bile student-aged population moves through the Na-
21 tion's schools gaining widely varying levels of knowl-
22 edge, skills, and preparedness.

23 (7) In order for the United States to compete
24 in a global economy, the country needs to strengthen
25 its educational expectations for all children.

1 (8) To compete, the people of the United States
2 must compare themselves against international
3 benchmarks.

4 (9) Grounded in a real world analysis and inter-
5 national comparisons of what students need to suc-
6 ceed in work and college, rigorous and voluntary
7 core American education content standards will keep
8 the United States economically competitive and en-
9 sure that the children of the United States are given
10 the same opportunity to learn to a high standard no
11 matter where they reside.

12 (10) Rigorous and voluntary core American
13 education content standards in mathematics and
14 science will enable students to succeed in academic
15 settings across States while ensuring an American
16 edge in the global marketplace.

17 **SEC. 3. ASSESSING SCIENCE IN THE NATIONAL ASSESS-**
18 **MENT OF EDUCATIONAL PROGRESS.**

19 (a) NATIONAL ASSESSMENT OF EDUCATIONAL
20 PROGRESS AUTHORIZATION ACT.—Section 303 of the Na-
21 tional Assessment of Educational Progress Authorization
22 Act (20 U.S.C. 9622) is amended—

23 (1) in subsection (a), by striking “, State as-
24 sessments,” and inserting “and State assessments in
25 reading, mathematics, and science”;

1 (2) in subsection (b)—

2 (A) in paragraph (1), by inserting
3 “science,” after “mathematics,”;

4 (B) in paragraph (2)—

5 (i) in subparagraph (B), by striking
6 “reading and mathematics” and inserting
7 “reading, mathematics, and science”;

8 (ii) in subparagraph (C), by striking
9 “reading and mathematics” and inserting
10 “reading, mathematics, and science”;

11 (iii) in subparagraph (D), by striking
12 “science,”; and

13 (iv) in subparagraph (E), by striking
14 “reading and mathematics” and inserting
15 “reading, mathematics, and science”;

16 (C) in paragraph (3)—

17 (i) in subparagraph (A), by striking
18 “reading and mathematics” each place the
19 term occurs and inserting “reading, mathe-
20 matics, and science”; and

21 (ii) in subparagraph (C)(ii), by strik-
22 ing “reading and mathematics” and insert-
23 ing “reading, mathematics, and science”;
24 and

1 (D) in paragraph (4)(B), by striking “, re-
2 quire, or influence” and inserting “or require”;

3 (3) in subsection (d)(3), by striking “reading
4 and mathematics” each place the term occurs and
5 inserting “reading, mathematics, and science”; and

6 (4) in subsection (f)(1)(B)(v), by striking “and
7 mathematical knowledge” and inserting “, mathe-
8 matical knowledge, and science knowledge”.

9 (b) ELEMENTARY AND SECONDARY EDUCATION ACT
10 OF 1965.—Subpart 1 of part A of title I of the Elemen-
11 tary and Secondary Education Act of 1965 (20 U.S.C.
12 6311 et seq.) is amended—

13 (1) in section 1111(c)(2) (20 U.S.C.
14 6311(c)(2))—

15 (A) by inserting “(and, for science, begin-
16 ning with the 2010–2011 school year)” after
17 “2002–2003”; and

18 (B) by striking “reading and mathe-
19 matics” and inserting “reading, mathematics,
20 and science”; and

21 (2) in section 1112(b)(1)(F) (20 U.S.C.
22 6312(b)(1)(F)), by striking “reading and mathe-
23 matics” and inserting “reading, mathematics, and
24 science”.

1 **SEC. 4. DEFINITIONS.**

2 Section 304 of the National Assessment of Edu-
3 cational Progress Authorization Act (20 U.S.C. 9623) is
4 amended—

5 (1) in the matter preceding paragraph (1), by
6 striking “In this title:” and inserting “Except as
7 otherwise provided, in this title:”;

8 (2) by redesignating paragraph (2) as para-
9 graph (3); and

10 (3) by inserting after paragraph (1) the fol-
11 lowing:

12 “(2) SECRETARY.—The term ‘Secretary’ means
13 the Secretary of Education.”.

14 **SEC. 5. VOLUNTARY AMERICAN EDUCATION CONTENT**
15 **STANDARDS; AMERICAN STANDARDS INCEN-**
16 **TIVE FUND.**

17 The National Assessment of Educational Progress
18 Authorization Act (20 U.S.C. 9621 et seq.) is amended—

19 (1) by redesignating sections 304 (as amended
20 by section 4) and 305 as sections 306 and 307, re-
21 spectively; and

22 (2) by inserting after section 303 the following:

23 **“SEC. 304. CREATION OR ADOPTION OF VOLUNTARY AMER-**
24 **ICAN EDUCATION CONTENT STANDARDS.**

25 “(a) IN GENERAL.—Not later than 3 years after the
26 date of enactment of the Standards to Provide Edu-

1 cational Achievement for Kids Act and from amounts ap-
2 propriated under section 307(a)(3) for a fiscal year, the
3 Assessment Board shall create or adopt voluntary Amer-
4 ican education content standards in mathematics and
5 science covering kindergarten through grade 12.

6 “(b) DUTIES.—The Assessment Board shall imple-
7 ment subsection (a) by carrying out the following duties:

8 “(1) Create or adopt voluntary American edu-
9 cation content standards for mathematics and
10 science covering kindergarten through grade 12 that
11 reflect a common core of what students in the
12 United States should know and be able to do to
13 compete in a global economy.

14 “(2) Anchor the voluntary American education
15 content standards based on the mathematics and
16 science frameworks and the achievement levels under
17 section 303(e) of the National Assessment of Edu-
18 cational Progress for grades 4, 8, and 12.

19 “(3) Ensure that the voluntary American edu-
20 cation content standards reflect international stand-
21 ards of excellence and the latest developments in the
22 fields of mathematics and science.

23 “(4) Review existing standards in mathematics
24 and science developed by professional organizations.

1 “(5) Review State standards in mathematics
2 and science as of the date of enactment of the
3 Standards to Provide Educational Achievement for
4 Kids Act and consult and work with entities that are
5 developing, or have already developed, such State
6 standards.

7 “(6) Review the reports, views, and analyses of
8 a broad spectrum of experts, including classroom
9 educators, and of the public, as such reports, views,
10 and analyses relate to mathematics and science edu-
11 cation, including—

12 “(A) reviews of blue ribbon reports;

13 “(B) exemplary practices in the field; and

14 “(C) recent reports by government agen-
15 cies and professional organizations.

16 “(7) Review scientifically rigorous studies that
17 examine the relationship between—

18 “(A) the sequences of secondary school-
19 level mathematics and science courses; and

20 “(B) student achievement.

21 “(8) Ensure that steps are taken in the devel-
22 opment of the voluntary American education content
23 standards to recognize the needs of students who re-
24 ceive special education and related services under
25 the Individuals with Disabilities Education Act (20

1 U.S.C. 1400 et seq.) and of students who are limited
2 English proficient (as defined in section 9101 of the
3 Elementary and Secondary Education Act of 1965
4 (20 U.S.C. 7801)).

5 “(9) Solicit input from State and local rep-
6 resentative organizations, mathematics and science
7 organizations (including mathematics and science
8 teacher organizations), institutions of higher edu-
9 cation, higher education organizations, business or-
10 ganizations, and other appropriate organizations.

11 “(10) Ensure that the voluntary American edu-
12 cation content standards reflect what students will
13 be required to know and be able to do after sec-
14 ondary school graduation to be academically quali-
15 fied to enter an institution of higher education or
16 training for the civilian or military workforce.

17 “(11) Widely disseminate the voluntary Amer-
18 ican education content standards for public review
19 and comment before final adoption.

20 “(12) Provide for continuing review of the vol-
21 untary American education content standards not
22 less often than once every 10 years, which review—

23 “(A) shall solicit input from organizations
24 and entities, including—

1 “(i) 1 or more professional mathe-
2 matics or science organizations, including
3 mathematics or science educator organiza-
4 tions;

5 “(ii) the State educational agencies
6 that have received American Standards In-
7 centive Fund grants under section 305
8 during the period covered by the review;
9 and

10 “(iii) other organizations and entities,
11 as determined appropriate by the Assess-
12 ment Board; and

13 “(B) shall address issues including—

14 “(i) whether the voluntary American
15 education content standards continue to
16 reflect international standards of excellence
17 and the latest developments in the fields of
18 mathematics and science; and

19 “(ii) whether the voluntary American
20 education content standards continue to
21 reflect what students are required to know
22 and be able to do in science and mathe-
23 matics after graduation from secondary
24 school to be academically qualified to enter
25 an institution of higher education or train-

1 ing for the civilian or military workforce,
2 as of the date of the review.

3 **“SEC. 305. THE AMERICAN STANDARDS INCENTIVE FUND.**

4 “(a) DEFINITIONS.—In this section:

5 “(1) IN GENERAL.—The terms ‘elementary
6 school’, ‘local educational agency’, ‘professional de-
7 velopment’, ‘secondary school’, ‘State’, and ‘State
8 educational agency’ have the meanings given the
9 terms in section 9101 of the Elementary and Sec-
10 ondary Education Act of 1965 (20 U.S.C. 7801).

11 “(2) ACADEMIC CONTENT STANDARDS.—The
12 term ‘academic content standards’ means the chal-
13 lenging academic content standards described in sec-
14 tion 1111(b)(1) of the Elementary and Secondary
15 Education Act of 1965 (20 U.S.C. 6311(b)(1)).

16 “(3) LEVELS OF ACHIEVEMENT.—The term
17 ‘levels of achievement’ means the State levels of
18 achievement under subclauses (II) and (III) of sec-
19 tion 1111(b)(1)(D)(ii) of the Elementary and Sec-
20 ondary Education Act of 1965 (20 U.S.C.
21 6311(b)(1)(D)(ii)(II), (III)).

22 “(4) STATE ACADEMIC ASSESSMENTS.—The
23 term ‘State academic assessments’ means the aca-
24 demic assessments for a State described in section

1 1111(b)(3) of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 6311(b)(3)).

3 “(b) ESTABLISHMENT OF FUND.—From amounts
4 appropriated under section 307(a)(4) for a fiscal year, the
5 Secretary shall establish and fund the American Stand-
6 ards Incentive Fund to carry out the grant program under
7 subsection (e).

8 “(c) INCENTIVE GRANT PROGRAM AUTHORIZED.—

9 “(1) IN GENERAL.—Not later than 12 months
10 after the Assessment Board adopts the voluntary
11 American education content standards under section
12 304, the Secretary shall use amounts available from
13 the American Standards Incentive Fund to award,
14 on a competitive basis, grants to State educational
15 agencies to enable each State educational agency to
16 adopt the voluntary American education content
17 standards in mathematics and science as the core of
18 the State’s academic content standards in mathe-
19 matics and science by carrying out the activities de-
20 scribed in subsection (f).

21 “(2) DURATION AND AMOUNT.—A grant under
22 this subsection shall be awarded—

23 “(A) for a period of not more than 4 years;
24 and

1 “(B) in an amount that is not more than
2 \$4,000,000 over the period of the grant.

3 “(3) SEA COLLABORATION PERMITTED.—A
4 State educational agency receiving a grant under
5 this subsection may collaborate with another State
6 educational agency receiving a grant under this sub-
7 section in carrying out the activities described in
8 subsection (f).

9 “(d) CORE STANDARDS.—A State educational agency
10 receiving a grant under subsection (c) shall adopt and use
11 the voluntary American education content standards in
12 mathematics and science as the core of the State academic
13 content standards in mathematics and science. The State
14 educational agency may add additional standards to the
15 voluntary American education content standards as part
16 of the State academic content standards in mathematics
17 and science.

18 “(e) STATE APPLICATION.—A State educational
19 agency desiring to receive a grant under subsection (c)
20 shall submit an application to the Secretary at such time,
21 in such manner, and containing such information as the
22 Secretary may require. The application shall include—

23 “(1) timelines for carrying out each of the ac-
24 tivities described in subsection (f)(1); and

1 “(2) a description of the activities that the
2 State educational agency will undertake to imple-
3 ment the voluntary American education content
4 standards in mathematics and science adopted under
5 section 304, and the achievement levels in mathe-
6 matics and science developed under section 303(e)
7 for the national and State assessments of the Na-
8 tional Assessment of Educational Progress, at both
9 the State educational agency and local educational
10 agency levels, including any additional activities de-
11 scribed in subsection (f)(2).

12 “(f) USE OF FUNDS.—

13 “(1) MANDATORY ACTIVITIES.—A State edu-
14 cational agency receiving a grant under subsection
15 (c) shall use grant funds to carry out all of the fol-
16 lowing:

17 “(A) Adopt the voluntary American edu-
18 cation content standards in mathematics and
19 science as the core of the State’s academic con-
20 tent standards in mathematics and science not
21 later than 2 years after the receipt of a grant
22 under subsection (c).

23 “(B) Align the teacher certification or li-
24 censure, pre-service, and professional develop-
25 ment requirements of the State to the voluntary

1 American education content standards in math-
2 ematics and science not later than 3 years after
3 the receipt of the grant.

4 “(C) Align the State academic assessments
5 in mathematics and science (or develop new
6 such State academic assessments that are
7 aligned) with the voluntary American education
8 content standards in mathematics and science
9 not later than 4 years after the receipt of the
10 grant.

11 “(D) Align the State levels of achievement
12 in mathematics and science with the student
13 achievement levels in mathematics and science
14 developed under section 303(e) for the national
15 and State assessments of the National Assess-
16 ment of Educational Progress not later than 4
17 years after the receipt of the grant.

18 “(E) Develop dissemination, technical as-
19 sistance, and professional development activities
20 for the purpose of educating local educational
21 agencies and schools on what the standards
22 adopted by the State educational agency under
23 this section are and how the standards can be
24 incorporated into classroom instruction.

1 “(2) PERMISSIVE ACTIVITIES.—A State edu-
2 cational agency receiving a grant under subsection
3 (c) may use the grant funds to carry out, at the
4 local educational agency or State educational agency
5 level, any of the following activities:

6 “(A) Developing curricula and instruc-
7 tional materials in mathematics or science that
8 are aligned with the voluntary American edu-
9 cation content standards in mathematics and
10 science.

11 “(B) Conducting other activities needed for
12 the implementation of the voluntary American
13 education content standards in mathematics
14 and science.

15 “(3) PRIORITY.—In awarding grants under
16 subsection (c), the Secretary shall give priority to a
17 State educational agency that will use the grant
18 funds to carry out subparagraph (A) of paragraph
19 (2).

20 “(g) AWARD BASIS.—In determining the amount of
21 a grant under subsection (c), the Secretary shall take into
22 consideration—

23 “(1) the extent to which a State’s academic
24 content standards, State academic assessments, lev-
25 els of achievement in mathematics and science, and

1 teacher certification or licensure, pre-service, and
2 professional development requirements, must be re-
3 vised to align such State standards, assessments,
4 levels, and teacher requirements with the voluntary
5 American education content standards created or
6 adopted under section 304 and the achievement lev-
7 els in mathematics and science developed under sec-
8 tion 303(e); and

9 “(2) the planned activities described in the ap-
10 plication submitted under subsection (e).

11 “(h) ANNUAL STATE EDUCATIONAL AGENCY RE-
12 PORTS.—A State educational agency receiving a grant
13 under subsection (c) shall submit an annual report to the
14 Secretary demonstrating the State educational agency’s
15 progress in meeting the timelines described in the applica-
16 tion under subsection (e)(1).

17 “(i) GRANTS FOR DOD AND BIA SCHOOLS.—

18 “(1) DEPARTMENT OF DEFENSE SCHOOLS.—
19 From amounts available from the American Stand-
20 ards Incentive Fund, the Secretary, upon application
21 by the Secretary of Defense, may award grants
22 under subsection (c) to the Secretary of Defense on
23 behalf of elementary schools and secondary schools
24 operated by the Department of Defense to enable
25 the Secretary of Defense to carry out activities simi-

1 lar to the activities described in subsection (f) for
2 the elementary schools and secondary schools oper-
3 ated by the Department of Defense.

4 “(2) BUREAU OF INDIAN AFFAIRS SCHOOLS.—
5 From amounts available from the American Stand-
6 ards Incentive Fund, the Secretary, in consultation
7 with the Secretary of the Interior, may award grants
8 under subsection (c) to the Bureau of Indian Affairs
9 on behalf of elementary schools and secondary
10 schools operated or funded by the Department of the
11 Interior to enable the Director of the Bureau of In-
12 dian Affairs to carry out activities similar to the ac-
13 tivities described in subsection (f) for the elementary
14 schools and secondary schools operated or funded by
15 the Department of the Interior.

16 “(j) STUDY.—Not later than 2 years after the com-
17 pletion of the first 4-year grant cycle for grants under this
18 section, the Commissioner for Education Statistics shall
19 carry out a study comparing the gap between the reported
20 proficiency on State academic assessments and assess-
21 ments under section 303 for State educational agencies
22 receiving grants under subsection (c), before and after the
23 State adopts the voluntary American education content
24 standards in mathematics and science as the core of the

1 State education content standards in mathematics and
2 science. The study shall—

3 “(1) include an analysis of, for each State re-
4 ceiving a grant under subsection (c) and for the
5 United States, the gaps in reported proficiency in
6 mathematics and in science before and after the
7 adoption of the voluntary American education con-
8 tent standards, for each grade of students subject to
9 the assessments under section 303; and

10 “(2) further disaggregate the information de-
11 scribed in paragraph (1) by the race, ethnicity, gen-
12 der, disability status, migrant status, English pro-
13 ficiency, and economically disadvantaged status of
14 the students, except that such disaggregation shall
15 not be required in a case in which the number of
16 students in a category is insufficient to yield statis-
17 tically reliable information or the results would re-
18 veal personally identifiable information about an in-
19 dividual student.

20 “(k) DATA GRANTS.—

21 “(1) PROGRAM AUTHORIZED.—

22 “(A) IN GENERAL.—From amounts appro-
23 priated under section 307(a)(4), the Secretary
24 shall award, to each State educational agency
25 that meets the requirements of paragraph (3),

1 a grant to enhance statewide student level lon-
2 gitudinal data systems as those systems relate
3 to the requirements of part A of title I of the
4 Elementary and Secondary Education Act of
5 1965 (20 U.S.C. 6311 et seq.).

6 “(B) DATA AUDIT SYSTEM.—The State,
7 through the implementation of such enhanced
8 data system, shall—

9 “(i) ensure that the State has in place
10 a State data audit system to assess data
11 quality, validity, and reliability; and

12 “(ii) provide guidance, technical as-
13 sistance, and professional development to
14 local educational agencies to ensure local
15 education officials and educators have the
16 tools, knowledge, and protocol necessary to
17 use the enhanced data system properly, en-
18 sure the integrity of the data, and be able
19 to use the data to inform education policy
20 and practice.

21 “(2) AMOUNT OF GRANT.—A grant awarded to
22 a State educational agency under this subsection
23 shall be in an amount equal to 5 percent of the
24 amount allocated to the State under section 1122 of
25 the Elementary and Secondary Education Act of

1 1965 (20 U.S.C. 6332). If the amounts available
2 from the American Standards Incentive Fund are
3 insufficient to pay the full amounts of grants under
4 this paragraph to all State educational agencies that
5 receive a grant under this subsection, then the Sec-
6 retary shall ratably reduce the amount of all grants
7 under this subsection.

8 “(3) REQUIREMENTS.—In order to receive a
9 grant under this subsection, a State educational
10 agency shall—

11 “(A) have received a grant under sub-
12 section (c); and

13 “(B) successfully demonstrate to the Sec-
14 retary that the State has aligned—

15 “(i) the State’s academic content
16 standards and State academic assessments
17 in mathematics and science, and the
18 State’s teacher certification or licensure,
19 pre-service, and professional development
20 requirements, with the voluntary American
21 education content standards in mathe-
22 matics and science; and

23 “(ii) the State levels of achievement in
24 mathematics and science for grades 4, 8,
25 and 12, with the achievement levels in

1 mathematics and science developed under
2 section 303(e) for such grades.

3 “(4) NATURE OF GRANT.—A grant under this
4 subsection to a State educational agency shall be in
5 addition to any grant awarded to the State edu-
6 cational agency under subsection (c).

7 “(5) LIMIT ON NUMBER OF GRANTS.—In no
8 case shall a State educational agency receive more
9 than 1 grant under this subsection.

10 “(l) REPORTS TO CONGRESS.—Not later than 2 years
11 after the date of enactment of the Standards to Provide
12 Educational Achievement for Kids Act, and every 2 years
13 thereafter, the Secretary shall report to Congress regard-
14 ing the status of all grants awarded under this section.

15 “(m) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion shall be construed to establish a preferred national
17 curriculum or preferred teaching methodology for elemen-
18 tary school or secondary school instruction.

19 “(n) TIMELINE EXTENSION.—The Secretary may ex-
20 tend the 12-year requirement under section 1111(b)(2)(F)
21 of the Elementary and Secondary Education Act of 1965
22 (20 U.S.C. 6311(b)(2)(F)) by not less than 2 years and
23 by not more than 4 years for a State served by a State
24 educational agency that receives grants under subsections
25 (c) and (k).”.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 307(a) of the National Assessment of Edu-
3 cational Progress Authorization Act (as redesignated by
4 section 5(1)) (20 U.S.C. 9624(a)) is amended to read as
5 follows:

6 “(a) IN GENERAL.—There are authorized to be ap-
7 propriated—

8 “(1) to carry out section 302, \$8,750,000 for
9 fiscal year 2010 and such sums as may be necessary
10 for each succeeding fiscal year;

11 “(2) to carry out section 303, \$200,000,000 for
12 fiscal year 2010 and such sums as may be necessary
13 for each succeeding fiscal year;

14 “(3) to carry out section 304, \$3,000,000 for
15 fiscal year 2010 and such sums as may be necessary
16 for each succeeding fiscal year; and

17 “(4) to carry out section 305, \$400,000,000 for
18 fiscal year 2010 and such sums as may be necessary
19 for each succeeding fiscal year.”.