have for both credit card and ATM card users.

I hope that I will soon be able to stand here and mark the passage of this important legislation.

By Mr. COVERDELL (for himself, Ms. LANDRIEU, Mrs. HUTCHISON, Mr. CRAIG, Mr. MACK, Mr. BROWNBACK, Mr. KYL, Mr. BURNS, Mr. HATCH, Mr. ENZI, Mr. GRAMM, Mr. THURMOND, Mr. DORGAN, and Mr. REID):

S. 1204. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficently final to ripen certain Federal claims arising under the Constitution; to the Committee on the Judiciary.

THE PROPERTY OWNERS ACCESS TO JUSTICE ACT OF 1997

Mr. COVERDELL. Mr. President, I am introducing today, with Senators LANDRIEU and DORGAN, the Property Owners Access to Justice Act of 1997, a bill to simplify access to the Federal courts for private property owners whose rights may have been injured by government action. The fifth amendment to the U.S. Constitution provides individuals with protection from having their property taken by the Government. The Constitution requires that when private property is taken for a public purpose, the property owner must be compensated.

However, property owners seeking protection of their rights are frequently frustrated by endless bureaucratic delay and countless procedural hurdles that prevent them from having their day in court. They are told they must resolve all of their State court remedies and all of their administrative remedies before their case is ripe for a hearing in Federal court.

Unfortunately, most property owners cannot afford the long and often fruitless process of resolving all possible remedies before their case is ripe. This process can mean years of court battles and tens of thousands of dollars in legal fees just to win the right to have the merits of the case heard in Federal court. The hurdles are so oppressive that one study concluded less than 6 percent of takings claims filed during the 1980's were ever deemed ripe for Federal court adjudication.

This unfair result happens because the requirement to exhaust all administrative remedies before getting their day in court subjects property owners to endless rounds of appeals with the relevant agency. However, property owners should be able to know with some degree of certainty what rights they have in their own property. The Property Owners Access to Justice Act says that property owners must try to resolve their differences with the agency in question, but once the agency has denied their appeal or waiver attempt, the property owner has the right to go to court.

The property owner would still shoulder the burden of proof that he or she has been injured and deserves compensation, but at least the owner will be able to have the merits of the case heard. And there is an end to the process, instead of leaving the property owner in the regulatory limbo of appealing and appealing and appealing before getting the right to seek relief in court.

To deal with the problem of resolving all State court remedies, this bill essentially gives property owners a choice of how to assert their property rights under the Constitution. If the property owner wants to pursue action against a local or State agency that has infringed on his or her rights, the property owner can sue in State or local court, as he would now. Or, if the property owner wants to reject that route and instead pursue only a fifth amendment takings claim, the case can be heard in Federal court.

This will correct the current situation in which a property owner can be bounced between State and Federal courts for years, with the merits of their Federal claim never being heard.

The Property Owners Access to Justice Act of 1997 is strictly procedural in nature. It does not change substantive law. It does not define a taking or establish a trigger for when compensation is due. It does not give property owners any special access to the Federal courts. On the contrary, it allows property owners the same access to Federal courts that other claimants currently have. Citizens alleging violations of their first amendment rights or fourth amendment rights are not told to resolve their administrative and State court remedies first—they go to Federal court. Property owners deserve to be treated the same as everyone else.

Mr. President, this bipartisan bill is simply an effort to provide property owners with a less complicated way to have their day in court. It gives them the access to justice and the chance to present the merits of their case that all Americans expect as a matter of simple fairness.

I urge my colleagues on both sides of the aisle to support the Property Owners Access to Justice Act of 1997 and ask unanimous consent that the full text of the bill be entered in the RECORD.

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

S. 1204

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 ''Property Owners Access to Justice Act of 1997''.

SEC. 2. JURISDICTION IN CIVIL RIGHTS CASES.

Section 1343 of title 28, United States Code, is amended by adding at the end the following:

''(c) Whenever a district court exercises jurisdiction under subsection (a), it shall not abstain from exercising or relinquish its jurisdiction to a State court in an action where no claim of a violation of a State law, right, or privilege is alleged.

''(d) Where the district court has jurisdiction over an action under subsection (a) that cannot be decided without resolution of a significant but unsettled question of State law, the district court may certify the question of State law to the highest appellate court of that State. After the State appellate court resolves the question certified to it, the district court shall proceed with resolving the merits. The district court shall not certify a question of State law under this subsection unless the question of State law—

''(1) will significantly affect the merits of the injured party's Federal claim; and

''(2) is so unclear and obviously susceptible to a limiting construction as to render premature a decision on the merits of the constitutional or legal issue in the case.

''(e)(1) Any claim or action brought under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) to redress the deprivation of a property right or privilege secured by the Constitution shall be ripe for adjudication by the district courts upon a final decision rendered by any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, that causes actual and concrete injury to the party seeking redress.

''(2) For purposes of this subsection, a final decision exists if—

''(A) any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and

''(B) the applicable statute, ordinance, regulation, custom, or usage provides for a right of appeal or waiver from such decision, and the party seeking redress has applied for, but has been denied, one such appeal or waiver.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B) if the prospects of success are reasonably unlikely and intervention by the district court is warranted to decide the merits.

''(3) For purposes of this subsection, a final decision shall not require the party seeking redress to exhaust judicial remedies provided by any State or territory of the United States.''.

SEC. 3. UNITED STATES AS DEFENDANT.

Section 1346 of title 28, United States Code, is amended by adding at the end the following:

''(h)(1) Any claim brought under subsection (a) that is founded upon a property right or privilege secured by the Constitution, but was allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress.

''(2) For purposes of this subsection, a final decision exists if—

''(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and

''(B) an applicable law of the United States provides for a right of appeal or waiver from

such decision, and the party seeking redress has applied for, but has been denied, one such appeal or waiver.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B), if the prospects of success are reasonably unlikely and intervention by the district court or the United States Court of Federal Claims is warranted to decide the merits.''.

SEC. 4. JURISDICTION OF COURT OF FEDERAL CLAIMS.

Section 1491(a) of title 28, United States Code, is amended by adding at the end the following:

''(3) Any claim brought under this subsection founded upon a property right or privilege secured by the Constitution, but allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress. For purposes of this paragraph, a final decision exists if—

''(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and

''(B) an applicable law of the United States provides for a right of appeal or waiver from such final decision, and the party seeking redress has applied for, but has been denied, one such appeal or waiver.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B) if the prospects of success are reasonably unlikely and intervention by the United States Court of Federal Claims is warranted to decide the merits.''.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to actions commenced on or after the date of the enactment of this Act.

Ms. LANDRIEU. Mr. President, I am proud to join my colleague from Georgia, Senator COVERDELL, in introducing the Property Owners Access to Justice Act of 1997.

Mr. President, in my view, this bill is particularly aptly named. Justice and fairness are what this bill is all about. Unlike other countries, when this Nation was created, we did so with a contract between the people and the Government. It is not very long, but the freedoms it guarantees are quite profound. Among its provisions is a simple promise from the Government to the people. Private property shall not be taken for public use without just compensation. These very few words included in our Constitution provide one of the strongest defenses we have against arbitrary government. The certainty that our property cannot be expropriated by government without our being compensated, provides the essential infrastructure for America's great economic strength. We could never be the world's largest market without such an assurance.

However, for often well-intentioned reasons, all levels of government have made claims on private property which conflict with the protections of the fifth amendment. Whether through zoning, environmental protections, or claims of eminent domain, people have found their property rights under increasing assault. Unfortunately, not only are their rights under assault, but then they have inadequate protection in our legal system.

We should not be confused as to whom this bill helps. Large corporations and wealthy landowners and developers do not need our help in Congress. They can hire a legion of lawyers and lobbyists to take up their case at city hall, at the statehouse, or even here in Washington. Whether this bill passes or not, their interests will be protected. The people we help with this bill are the small landowners and family farmers who lack the means to expedite the administrative process. It will help first-time home buyers in my State, who are trying to build their first home but have to put their plans on hold because they run into administrative deadlocks.

Our bill will help these people and countless others in two ways. First, it will clarify when a person has exhausted their administrative remedies. Right now, property owners spend countless hours and great expense in fruitless litigation over this subject. Legislation to end this unproductive debate should be welcomed by all parties.

Second, the bill would allow property owners to choose between bringing their claim for relief before Federal or State courts. As it stands, we all possess a fifth amendment right which we have no practical way of enforcing. The Supreme Court has interpreted the fifth amendment as applying to the States under the due process clause of the fourteenth amendment. However, the Federal courts have left it to State courts to adjudicate fifth amendment claims in this area. Only if issues of State law are resolved in the case, may plaintiffs have their constitutional claim heard in Federal court. Working people simply cannot afford a process that would require them to go all the way through the State court system and then into the federal courts to enforce their constitutional rights.

Mr. President, it is my hope that our colleagues will join this bipartisan effort and take a concrete step to provide real relief to middle class people. We will all benefit by a judicial process that is more equitable and transparent.

By Mrs. MURRAY:

S. 1205. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify that records of arrival or departure are not required to be collected for purposes of the automated entry-exit control system developed under section 110 of such act for Canadians who are not otherwise required to possess a visa, passport, or border crossing identification card; to the Committee on the Judiciary.

THE ILLEGAL IMMIGRATION ACT CANADIAN EXEMPTION ACT OF 1997

Mrs. MURRAY. Mr. President, today I am introducing legislation to amend a controversial provision in last year's illegal immigration legislation that threatens to stifle legal travel and commerce between the United States and Canada.

Section 110 of the 1996 Immigration Reform Act requires the Immigration and Naturalization Service to develop an automated entry and exit system for the purpose of documenting the entry and departure of every alien entering and leaving the United States. The legislation I am introducing today, will amend the illegal immigration legislation to clarify that records of entry and departure are not required for Canadians. This is consistent with longstanding U.S. policy toward Canadian citizens traveling to the United States.

My constituents are extremely concerned about the onerous implications of section 110. As a frequent visitor to Bellingham and Whatcom County, I hear again and again from the local community about the importance of unimpeded travel between the United States and Canada. I've visited the border crossings at Blaine, WA. At certain times, travel between the United States and Canada is already subject to lengthy delays and traffic back-ups that sometimes exceed 1 mile in length. Section 110 will further complicate border crossings if it is ever instituted on our northern border.

I have been a long proponent of strengthening and promoting the partnership between Washington State and British Columbia, Canada. British Columbia is a billion dollar neighbor for my State, generating jobs and economic activity important to all of Washington. Canadian tourism and commerce is particularly important to Bellingham and northwest Washington where border trade thrives to the benefit of both Americans and Canadians.

This legislative initiative follows up on a late 1996 letter I sent to Attorney General Janet Reno inquiring about section 110. The letter expressed my strong opposition to a border fee or other interpretation of section 110 which would inhibit legal tourism and trade between the United States and Canada. I continue to vigorously oppose nuisance measures that will unduly delay legal border crossings. A border tax is the most obvious nuisance measure, however, section 110 if fully implemented will have a potentially disastrous impact on communities in my state.

I do not expect section 110 to ever be applied to Canadians. To do so, would be a phenomenal waste of limited resources. We can't neglect our northern Border, but we can certainly be a lot smarter. Exempting Canadians from section 110 is the smart thing, the right thing to do.

I encourage my colleagues to review this important legislation and to join me in supporting the passage of this legislative exemption at the earliest opportunity.

By Ms. SNOWE (for herself, Mr. JEFFORDS, Ms. MIKULSKI, Mr. ALLARD, Mr. HARKIN, and Mr. GRASSLEY):

S. 1206. A bill to provide for an enumeration of family caregivers as part of the 2000 decennial census of population; to the Committee on Governmental Affairs.

THE FAMILY CAREGIVERS ACT OF 1997

Ms. SNOWE. Mr. President, I rise today to introduce legislation to highlight the millions of family caregivers across this country, by calling on the Census Bureau to count family caregivers in the Census 2000. This bill is a companion to House legislation introduced by Representative CANADY. I would like to thank Senators JEFFORDS, MIKULSKI, ALLARD, HARKIN, and GRASSLEY for joining me in support of family caregivers by cosponsoring this bill.

As the population of this country ages, more and more Americans have and will assume the role of family caregivers—people who provide noncompensated care for an elderly or disabled family member in their own home. Today, nearly 80 percent of elderly people needing long-term care services are estimated to reside outside the nursing home setting, and many nonelderly people are cared for by a family member as well. In fact, family caregivers provide two-thirds of all home care services in this country.

The decision to care for a loved one who is ill or incapacitated on a full-time basis requires significant personal sacrifice on the caregiver's part. Yet the compassionate services provided by family caregivers to those who are unable to care for themselves is invaluable. Without the contributions of caregivers, immense pressure would be brought to bear on our nursing home and health care systems. Unfortunately, caregivers and their contributions to the Nation's public health system have historically gone unrecognized.

While the issue of family caregivers has obvious policy implications, adequate statistical and survey information is not available to help policymakers address issues concerning these individuals. That is why I am introducing legislation to request that family caregivers be counted by the Census Bureau in the Census 2000. By counting caregivers in the census, we will be able to collect more information about this rapidly-growing group and form policy solutions that will take into account their special needs.

In her book, ''Helping Yourself Help Others,'' former First Lady Rosalynn Carter reminds us that there are only four kinds of people in the world: those who have been caregivers, those who are caregivers, those who will be caregivers, and those who will need caregivers. I urge my colleagues to support this important legislation and to draw attention to the needs of family caregivers.

By Mrs. BOXER (for herself, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. DASCHLE, Mr. DORGAN, Mr. HARKIN, Mr. WELLSTONE, Mr. CONRAD, Ms. LANDRIEU, Mr. REED, and Mrs. MURRAY):

S. 1207. A bill to authorize the President to award a Congressional Gold Medal to the family of the late Raul Julia, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CONGRESSIONAL GOLD MEDAL LEGISLATION

Mrs. BOXER. Mr. President, I rise today to introduce legislation authorizing the President of the United States to award a Congressional Gold Medal in honor of the late Raul Julia, a remarkable person who touched the lives of millions.

Raul Julia is known to most people as a talented actor who performed in movies and on stage. He excelled in such films as ''The Kiss of the Spider Woman,'' ''Presumed Innocent,'' and ''The Eyes of Laura Mars.'' In his greater love, the theater, he starred in several productions, including the New York Shakespeare Festival's ''Macbeth,'' ''Othello,'' and ''The Taming of the Shrew.'' His brilliant career earned him four Tony Award nominations and a countless number of accolades.

However, Raul Julia was more than just a remarkable actor and entertainer—through his work, he was able to conquer stereotypes unfairly attached to Latin actors and performers. It is clear that the Latino community still suffers discrimination in the entertainment field. Too many times, we see Latinos cast as gang members, drug dealers, and other negative characters.

With his dignified presence and undeniable talent, Raul Julia was able to overcome these stereotypes. He became a role model for Latinos trying to break into the entertainment industry, and today is still an inspiration to Latino and non-Latino alike.

Raul Julia was also a dedicated activist and humanitarian. He was especially concerned with worldwide hunger, in part because of his upbringing in Puerto Rico. In honor of his lifetime of unselfish giving, this legislation will divide profits from the sale of duplicate medals equally between the Raul Julia Hunger Fund and the National Hispanic Foundation for the Arts.

A Congressional Gold Modal is a fitting tribute to the life and work of Raul Julia. I urge my colleagues to support this bill.

I ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

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

S. 1207

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

SECTION 1. FINDINGS.

The Congress finds that—

(1) Raul Julia was an accomplished, talented performer, entertaining millions through his work in film and theater;

(2) Raul Julia was a leader in the entertainment industry, particularly as a tireless mentor and role model to emerging Latino actors;

(3) a dedicated activist and humanitarian, Raul Julia was a major supporter and spokesperson for the Hunger Fund, a nonprofit organization committed to the eradication of world hunger; and

(4) Raul Julia received the Hispanic Heritage Award recognizing his many career achievements for the Latino community, including his involvement in ''La Familia'', a New York City outreach program for Latino families in need, the Puerto Rican traveling theater, the Museo del Barrio, and the New York Shakespeare Festival.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to the family of the late Raul Julia a gold medal of appropriate design, in recognition of his dedication to ending world hunger and his great contributions to the Latino community and to the performing arts.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) GIFTS AND DONATIONS.—

(1) IN GENERAL.—The Secretary may accept, use, and disburse gifts or donations of property or money to carry out this section.

(2) APPROPRIATION AUTHORIZED.—No amount is authorized to be appropriated to carry out this section.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

The medals struck pursuant to this Act are—

(1) national medals, for purposes of chapter 51 of title 31, United States Code; and

(2) numismatic items, for purposes of section 5134 of title 31, United States Code.

SEC. 5. TRANSFER OF ANY PROFIT TO LIBRARY OF CONGRESS.

The Secretary shall transfer in equal amounts from the Numismatic Public Enterprise Fund an amount equal to the amount by which the sum of any gifts and donations received by the Secretary in accordance with section 2(c)(1) and any proceeds from the sale of duplicate medals pursuant to section 3 exceeds the total amount of the costs incurred by the Secretary in carrying out this Act to—

(1) the Raul Julia Ending Hunger Fund; and

(2) the National Hispanic Foundation for the Arts.

By Mrs. BOXER (for herself and Mrs. MURRAY):

S. 1208. A bill to protect women's reproductive health and constitutional right to choice, and for other purposes; to the Committee on Labor and Human Resources.

THE FAMILY PLANNING AND CHOICE PROTECTION ACT OF 1997

Mrs. BOXER. Mr. President, I come today to the Senate floor to introduce the Family Planning and Choice Protection Act of 1997, a comprehensive pro-choice, pro-family planning, and pro-women's health bill. The bill is cosponsored in the Senate by Senator

MURRAY, and the companion bill was introduced by Representative NITA LOWEY.

This bill has three purposes: to improve family planning programs and services; to strengthen women's right to choose; and to increase research on women's health.

In the past months and years, Congress has curbed women's reproductive rights again and again. We've seen it in the appropriations process, as women in the military and military dependents are prevented from using their own funds to obtain an abortion at military facilities. Similarly, the District of Columbia has been prevented from using local funds to provide abortion services. These are just two examples. Bit by bit, anti-choice legislators are chipping away at women's fundamental right to choose.

Even family planning programs and services have been under attack. In June, the House of Representatives voted to cut off funding for family planning to overseas organizations unless they comply with certain restrictions. These restrictions amount to a global gag rule, prohibiting these organizations from using even non-Federal funds to provide abortion services or advocate to change abortion laws or policies abroad.

The Family Planning and Choice Protection Act of 1997 addresses these attacks. It is a positive statement of what freedom of choice really means. The bill has three parts—family planning, choice protection, and health.

The family planning part does four things. First, it authorizes additional funds for family planning services. Second, it bans gag rules, which have restricted the information health providers can give and women can receive about reproductive health services. Third, it requires all health plans to cover contraceptive services and drugs if they cover other prescription drugs. Fourth, it promotes understanding of emergency contraceptives, which can be used after intercourse to prevent pregnancy.

The part on choice protection has four elements. First and foremost, it takes the basic principles of Roe versus Wade and makes them Federal law. Second, it repeals the many restrictions that Congress has placed on funding of abortions, including services for poor women, women in the military, women in the District of Columbia, and Federal employees. Third, it calls for additional Federal resources to ensure that women and health care providers have safe access to reproductive health clinics, and protection against violence at these clinics. Fourth, it directs the Department of Health and Human Services to ensure that the approval of RU–486 is based on health considerations only—not political decisions.

The third part of the bill focuses on women's health. First, it supports funding for preventive health measures in all 50 States, such as screening for breast and cervical cancer and chlamydia. Second, it calls for funding for more research on contraception and infertility.

The American people overwhelmingly support a woman's right to choose, family planning, and women's health research. Yet there are those in this Congress who are determined to turn the clock back. This bill works to ensure that no American woman will ever have to go back to the days of ignorance, isolation, and injustice. The women of America cannot afford to go back. The Family Planning and Choice Protection Act of 1997 calls on Congress to strengthen women's right to choose and to hold firm against further attacks on this fundamental right.

I am proud to sponsor this important initiative in the Senate, and proud to join Representative LOWEY and groups such as the National Abortion Rights Action League to make this positive statement for women's rights and health.

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

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

S. 1208

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 ''Family Planning and Choice Protection Act of 1997''.

SEC. 2. FINDINGS.

Congress finds that—

(1) reproductive rights are central to the ability of women to exercise full enjoyment of rights secured to women by Federal and State law;

(2) abortion has been a legal and constitutionally protected medical procedure throughout the United States since 1973 and has become part of mainstream medical practice as is evidenced by the positions of medical institutions including the American Medical Association, the American College of Obstetricians and Gynecologists, the American Medical Women's Association, the American Nurses Association, and the American Public Health Association;

(3) the availability of abortion services is diminishing throughout the United States, as evidenced by—

(A) the fact that 84 percent of counties in the United States have no abortion provider; and

(B) the fact that, between 1982 and 1992, the number of abortion providers decreased in 45 States; and

(4)(A) the Department of Health and Human Services and the Institute of Medicine of the National Academy of Sciences have contributed to the development of a report entitled ''Healthy People 2000'', which urges that the rate of unintended pregnancy in the United States be reduced by nearly 50 percent by the year 2000;

(B) nearly 60 percent, or approximately 3,100,000, of all pregnancies in the United States each year are unintended, resulting in 1,500,000 abortions in the United States each year; and

(C) the provision of family planning services, including emergency contraception, is a cost-effective way of reducing the number of unintended pregnancies and abortions in the United States; and

(5) at a minimum, Congress must enact legislation establishing or retaining the following policies to preserve the choice and reproductive health of women:

(A) Authorization of family planning programs.

(B) The prohibition of any gag rule on information pertaining to reproductive medical services.

(C) The promotion of equitable treatment and coverage of prescription contraception drugs and devices in the provision of health insurance.

(D) The provision of funding for emergency contraceptive education.

(E) The establishment of breast cancer, cervical cancer, and chlamydia screening programs in all 50 States.

(F) Full implementation of contraceptive and infertility research programs.

(G) Funding through the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for abortion services.

(H) Protection of women from clinic violence.

(I) Final approval of the drug called Mifepristone or RU–486.

(J) The maintenance of a fundamental right to choose, as stated in the Supreme Court decision in Roe v. Wade, 410 U.S. 113 (1973).

(K) The establishment of the right of the District of Columbia to access locally raised revenue to provide abortion services to low-income women.

(L) The promotion of fairness in insurance.

(M) The establishment of the ability of military personnel overseas to obtain abortion services.

TITLE I—PREVENTION

Subtitle A—Family Planning

SEC. 101. FAMILY PLANNING AMENDMENTS.

Section 1001(d) of the Public Health Service Act (42 U.S.C. 300(d)) is amended to read as follows:

''(d) For the purpose of making grants and entering into contracts under this section, there are authorized to be appropriated $275,000,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2003.''.

SEC. 102. FREEDOM OF FULL DISCLOSURE.

Title XI of the Civil Rights Act of 1964 (42 U.S.C. 2000h et seq.) is amended by adding at the end the following:

''SEC. 1107. INFORMATION ABOUT AVAILABILITY OF REPRODUCTIVE HEALTH CARE SERVICES.

''(a) DEFINITION.—As used in this section, the term 'governmental authority' means any authority of the United States.

''(b) GENERAL AUTHORITY.—Notwithstanding any other provision of law, no governmental authority shall, in or through any program or activity that is administered or assisted by such authority and that provides health care services or information, limit the right of any person to provide, or the right of any person to receive, nonfraudulent information about the availability of reproductive health care services, including family planning, prenatal care, adoption, and abortion services.''.

Subtitle B—Prescription Equity and Contraceptive Coverage

SEC. 111. FINDINGS.

Congress finds that—

(1) each year, approximately 3,100,000 pregnancies, or nearly 60 percent of all pregnancies, in this country are unintended;

(2) contraceptive services are part of basic health care, allowing families to both adequately space desired pregnancies and avoid unintended pregnancy;

(3) studies show that contraceptives are cost-effective: for every $1 of public funds invested in family planning, $4 to $14 of public funds is saved in pregnancy and health care-related costs;

(4) by reducing rates of unintended pregnancy, contraceptives help reduce the need for abortion;

(5) unintended pregnancies lead to higher rates of infant mortality, low-birth weight, and maternal morbidity, and threaten the economic viability of families;

(6) the National Commission to Prevent Infant Mortality determined that ''infant mortality could be reduced by 10 percent if all women not desiring pregnancy used contraception'';

(7) most women in the United States, including two-thirds of women of childbearing age, rely on some form of private employment-related insurance (through either their own employer or a family member's employer) to defray their medical expenses;

(8) the vast majority of private insurers cover prescription drugs, but many exclude coverage for prescription contraceptives;

(9) private insurance provides extremely limited coverage of contraceptives: half of traditional indemnity plans and preferred provider organizations, 20 percent of point-of-service networks, and 7 percent of health maintenance organizations cover no contraceptive methods other than sterilization;

(10) women of reproductive age spend 68 percent more than men on out-of-pocket health care costs, with contraceptives and reproductive health care services accounting for much of the difference;

(11) the lack of contraceptive coverage in health insurance places many effective forms of contraceptives beyond the financial reach of many women, leading to unintended pregnancies; and

(12) the Institute of Medicine Committee on Unintended Pregnancy recently recommended that ''financial barriers to contraception be reduced by increasing the proportion of all health insurance policies that cover contraceptive services and supplies''.

SEC. 112. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as added by section 603(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 702(a) of the Mental Health Parity Act of 1996) is further amended by adding at the end the following new section:

''SEC. 713. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

''(a) REQUIREMENTS FOR COVERAGE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan provides benefits for other outpatient prescription drugs or devices; or

''(2) exclude or restrict benefits for outpatient contraceptive services if such plan provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

''(b) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

''(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

''(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

''(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

''(c) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section shall be construed—

''(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

''(i) benefits for contraceptive drugs under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient prescription drug otherwise covered under the plan;

''(ii) benefits for contraceptive devices under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient prescription device otherwise covered under the plan; and

''(iii) benefits for outpatient contraceptive services under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient health care service otherwise covered under the plan; and

''(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services.

''(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes—

''(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

''(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

''(d) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

''(e) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides protections for enrollees that are greater than the protections provided under this section.

''(f) DEFINITION.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act, as amended by section 603 of the Newborns' and Mothers' Health Protection Act of 1996 and section 702 of the Mental Health Parity Act of 1996, is amended by inserting after the item relating to section 712 the following new item:

''Sec. 713. Standards relating to benefits for contraceptives.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 1998.

SEC. 113. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (as added by section 604(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 703(a) of the Mental Health Parity Act of 1996) is further amended by adding at the end the following new section:

''SEC. 2706. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

''(a) REQUIREMENTS FOR COVERAGE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan provides benefits for other outpatient prescription drugs or devices; or

''(2) exclude or restrict benefits for outpatient contraceptive services if such plan provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

''(b) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

''(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

''(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

''(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual contraceptive drugs or devices, or

contraceptive services, described in subsection (a).

''(c) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section shall be construed—

''(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

''(i) benefits for contraceptive drugs under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient prescription drug otherwise covered under the plan;

''(ii) benefits for contraceptive devices under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient prescription device otherwise covered under the plan; and

''(iii) benefits for outpatient contraceptive services under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient health care service otherwise covered under the plan; and

''(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services.

''(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes—

''(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

''(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

''(d) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 713(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

''(e) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides protections for enrollees that are greater than the protections provided under this section.

''(f) DEFINITION.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning on or after January 1, 1998.

SEC. 114. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) IN GENERAL.—Subpart 3 of part B of title XXVII of the Public Health Service Act (as added by section 605(a) of the Newborn's and Mother's Health Protection Act of 1996) is amended by adding at the end the following new section:

''SEC. 2752. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

''The provisions of section 2706 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 1998.

Subtitle C—Emergency Contraceptives

SEC. 121. EMERGENCY CONTRACEPTIVE EDUCATION.

(a) DEFINITION.—In this section:

(1) EMERGENCY CONTRACEPTIVE.—The term ''emergency contraceptive'' means a drug or device (as the terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) that is designed—

(A) to be used after sexual relations; and

(B) to prevent pregnancy, by preventing ovulation, fertilization of an egg, or implantation of an egg in a uterus.

(2) HEALTH CARE PROVIDER.—The term ''health care provider'' means anyone licensed or certified under State law to provide health care services who is operating within the scope of such license.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(b) EMERGENCY CONTRACEPTIVE PUBLIC EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall develop and disseminate to the public information on emergency contraceptives.

(2) DEVELOPMENT AND DISSEMINATION.—The Secretary may develop and disseminate the information directly or through arrangements with nonprofit organizations, consumer groups, institutions of higher education, Federal, State, or local agencies, and clinics.

(3) INFORMATION.—The information shall include, at a minimum, information describing emergency contraceptives, and explaining the use, effects, efficacy, and availability of the contraceptives.

(c) EMERGENCY CONTRACEPTIVE INFORMATION PROGRAM FOR HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, shall develop and disseminate to health care providers information on emergency contraceptives.

(2) INFORMATION.—The information shall include, at a minimum—

(A) information describing the use, effects, and efficacy and availability of the contraceptives;

(B) a recommendation from the Secretary regarding the use of the contraceptives in appropriate cases; and

(C) information explaining how to obtain copies of the information developed under subsection (b), for distribution to the patients of the providers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for the period consisting of fiscal years 1999 through 2001.

TITLE II—RESEARCH

SEC. 201. PREVENTIVE HEALTH MEASURES REGARDING BREAST AND CERVICAL CANCER AND CHLAMYDIA.

It is the sense of Congress that the programs of grants under section 318 and title XV of the Public Health Service Act (42 U.S.C. 247c and 300k et seq.) should receive a level of funding that is adequate for all States, or entities in all States, as appropriate, to receive grants under such section and title.

SEC. 202. PROGRAMS REGARDING CONTRACEPTION AND INFERTILITY.

(a) RESEARCH CENTERS.—It is the sense of Congress that the program assisting research centers under section 452A of the Public Health Service Act (42 U.S.C. 285g–5) should receive a level of funding that is adequate for a reasonable number of research centers to be operated under the program.

(b) LOAN REPAYMENT PROGRAM REGARDING CONDUCT OF RESEARCH.—It is the sense of Congress that the program of loan-repayment contracts under section 487B of the Public Health Service Act (42 U.S.C 288–2) should receive a level of funding that is adequate for a reasonable number of individuals to conduct research under the program.

TITLE III—CHOICE PROTECTION

SEC. 301. FUNDING FOR ABORTION SERVICES.

It is the sense of Congress that Federal and State governments should provide funding for abortion services to women eligible for assistance through the medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), as such services are essential to the health and well-being of women.

SEC. 302. CLINIC VIOLENCE.

It is the sense of Congress that—

(1) Federal resources are necessary to ensure that women have safe access to reproductive health facilities and that health professionals can deliver services in a secure environment free from violence and threats of force; and

(2) it is necessary and appropriate to use Federal resources to combat the nationwide campaign of violence and harassment against reproductive health centers.

SEC. 303. APPROVAL OF RU–486.

The Secretary of Health and Human Services shall—

(1) ensure that a decision by the Food and Drug Administration to approve the drug called Mifepristone or RU–486 shall be made only on the basis provided in law; and

(2) assess initiatives by which the Department of Health and Human Services can promote the testing, licensing, and manufacturing in the United States of the drug or other antiprogestins.

SEC. 304. FREEDOM OF CHOICE.

(a) FINDINGS.—Congress finds the following:

(1) The 1973 Supreme Court decision in Roe v. Wade, 410 U.S. 113 (1973) established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy. Under the strict scrutiny standard enunciated in the Roe v. Wade decision, States were required to demonstrate that laws restricting the right of a woman to choose to terminate a pregnancy were the least restrictive means available to achieve a compelling State interest. Since 1989, the Supreme Court has no longer applied the strict scrutiny standard in reviewing challenges to the constitutionality of State laws restricting such rights.

(2) As a result of the recent modification by the Supreme Court of the strict scrutiny

standard enunciated in the Roe v. Wade decision, certain States have restricted the right of women to choose to terminate a pregnancy or to utilize some forms of contraception, and the restrictions operate cumulatively to—

(A)(i) increase the number of illegal or medically less safe abortions, often resulting in physical impairment, loss of reproductive capacity, or death to the women involved;

(ii) burden interstate and international commerce by forcing women to travel from States in which legal barriers render contraception or abortion unavailable or unsafe to other States or foreign nations;

(iii) interfere with freedom of travel between and among the various States;

(iv) burden the medical and economic resources of States that continue to provide women with access to safe and legal abortion; and

(v) interfere with the ability of medical professionals to provide health services;

(B) obstruct access to and use of contraceptive and other medical techniques that are part of interstate and international commerce;

(C) discriminate between women who are able to afford interstate and international travel and women who are not, a disproportionate number of whom belong to racial or ethnic minorities; and

(D) infringe on the ability of women to exercise full enjoyment of rights secured to the women by Federal and State law, both statutory and constitutional.

(3) Although Congress may not by legislation create constitutional rights, Congress may, where authorized by a constitutional provision enumerating the powers of Congress and not prohibited by a constitutional provision, enact legislation to create and secure statutory rights in areas of legitimate national concern.

(4) Congress has the affirmative power under section 8 of article I of the Constitution and under section 5 of the 14th amendment to the Constitution to enact legislation to prohibit State interference with interstate commerce, liberty, or equal protection of the laws.

(b) PURPOSE.—The purpose of this section is to establish, as a statutory matter, limitations on the power of a State to restrict the freedom of a woman to terminate a pregnancy in order to achieve the same limitations as were provided, as a constitutional matter, under the strict scrutiny standard of review enunciated in the Roe v. Wade decision and applied in subsequent cases from 1973 through 1988.

(c) DEFINITION.—As used in this section, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, and each other territory or possession of the United States.

(d) GENERAL AUTHORITY.—A State—

(1) may not restrict the freedom of a woman to choose whether or not to terminate a pregnancy before fetal viability;

(2) may restrict the freedom of a woman to choose whether or not to terminate a pregnancy after fetal viability unless such a termination is necessary to preserve the life or health of the woman; and

(3) may impose requirements on the performance of abortion procedures if such requirements are medically necessary to protect the health of women undergoing such procedures.

(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) prevent a State from protecting unwilling individuals or private health care institutions from being required to participate in the performance of abortions to which the individuals or institutions are conscientiously opposed;

(2) prevent a State from declining to pay for the performance of abortions; or

(3) prevent a State from requiring a minor to involve a parent, guardian, or other responsible adult before terminating a pregnancy.

SEC. 305. FAIRNESS IN INSURANCE.

Notwithstanding any other provision of law, no Federal law shall be construed to prohibit a health plan from offering coverage for the full range of reproductive health care services, including abortion services.

SEC. 306. REPRODUCTIVE RIGHTS OF WOMEN IN THE MILITARY.

Section 1093 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: ''or in a case in which the pregnancy involved is the result of an act of rape or incest or the abortion involved is medically necessary or appropriate'';

(2) by striking subsection (b) (as added by section 738 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 383)); and

(3) by adding at the end the following:

''(b) ABORTIONS IN FACILITIES OVERSEAS.—Subsection (a) does not limit the performing of an abortion in a facility of the uniformed services located outside the 48 contiguous States of the United States if—

''(1) the cost of performing the abortion is fully paid from a source or sources other than funds available to the Department of Defense;

''(2) abortions are not prohibited by the laws of the jurisdiction where the facility is located; and

''(3) the abortion would otherwise be permitted under the laws applicable to the provision of health care to members and former members of the uniformed services and their dependents in such facility.''.

By Mr. KENNEDY (for himself, Mr. DODD, and Mr. KERRY):

S. 1209. A bill improving teacher preparation and recruitment; to the Committee on Labor and Human Resources.

THE HIGHER EDUCATION ACT TITLE V REAUTHORIZATION ACT OF 1997

Mr. KENNEDY. Mr. President, I am honored to introduce President Clinton's proposal for the reauthorization of title V of the Higher Education Act. The goal of this important legislation is to improve the quality of teacher preparation programs and to bring more qualified teachers into America's classrooms, particularly in the areas of highest need.

Investing in teachers is an investment in the Nation's children and its future. The Nation is clearly committed to the highest quality training for our doctors, engineers, and attorneys, both in their initial training and in subsequent professional development opportunities. President Clinton is right to ask us to make that same commitment to the training of teachers who are charged with educating the Nation's most precious resource—our children. Not since the Teacher Corps initiatives of the 1970's has the Federal Government given such high priority to teaching and teachers. Through inaction, the Nation has tacitly condoned low standards in too many schools, particularly in urban and rural areas. Through inaction, we have left too many of these schools understaffed and unsupported. We must recognize the urgency of this situation and act now.

In other initiatives, we are already asking teachers to ensure that children meet high standards, but we are not asking whether teachers are ready to meet this challenge. Because of the shortage of teachers, many educators are forced to teach subjects outside their certification area. This shortage is especially serious in communities with high concentrations of students from low-income families. Annually, more than 50,000 underprepared teachers enter the classroom. One in four new teachers do not fully meet State certification requirements, and 12 percent of new hires have had not teacher training at all. Students in inner-city schools have only a 50-percent chance of being taught by a qualified science or math teacher. In Massachusetts, 30 percent of teachers in high-poverty schools do not even have a minor degree in their field.

This gap is unacceptable. Teachers must have a strong knowledge base in their subject area, so that they can motivate young learners and teach strong basic skills. Teachers must be comfortable with topics, so that they encourage extended thinking and questioning on issues. Teachers must also have opportunities to improve their own skills, learn how to integrate technology, and employ strategies that encourage all students to achieve.

Clearly, we must invest in better teacher preparation, do all we can to ensure that all of our schools are fully staffed with qualified teachers. We must attract the best and the brightest new teachers to adequately prepare students to compete in the global marketplace. During the next decade, because of rising student enrollment and massive teacher retirement, the Nation will need over 2 million new teachers. But teacher preparation programs are currently producing between 100,000 and 150,000 new teachers a year, leaving the system with an annual deficit of at least 50,000 teachers, particularly in underserved, high-poverty schools.

The Federal Government, through the Eisenhower Professional Development Program, already invests in upgrading the skills of current teachers, but the investment is far from sufficient. In addition, we must invest in the front end of teacher training, to ensure that the Nation's children are taught by highly qualified, well informed teachers. The President's proposal will help improve teacher preparation and bring well-qualified teachers into more classrooms.

The legislation addresses these issues by encouraging strong partnerships among institutions of higher education with exemplary teacher preparation programs, other institutions that want to improve their programs, and the school districts that they serve. The program would be authorized at $67

million for fiscal year 1999. A Lighthouse Partnership Program will identify lead institutions from the variety of successful teacher preparation programs that now exist. These programs provide aspiring teachers with the newest information about the best classroom practices, and give them the concrete clinical experiences they need to develop the skills to help students achieve high standards.

State and local education agencies, community colleges, and other professional groups will participate as partner institutions. The lead institutions will demonstrate their strength in cutting-edge, clinically based teacher preparation and course content. They must also demonstrate that they are committed to strong ongoing cooperation with school districts that serve needy families in rural and urban America.

A second major part of the President's proposal focuses on recruiting the best and the brightest teachers to serve in needy school districts. It supports partnerships between teacher preparation institutions and local education agencies that provide scholarships and other assistance to students who complete teacher preparation programs and agree to teach in targeted underserved areas for at least 3 years.

President Clinton's proposal is far-reaching, and it discusses broad bipartisan support. The United States is in urgent need of creating and maintaining a stronger supply of world-class teachers. These wise investments will provide high-quality opportunities today to the teachers who will be teaching the Nation's children tomorrow. I look forward to working with my colleagues on both sides of the aisle to enact this major teacher recruitment and training proposal.

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. 1209

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

TITLE V—EDUCATOR RECRUITMENT, PREPARATION, AND INDUCTION

''TITLE V—EDUCATOR RECRUITMENT, PREPARATION, AND INDUCTION

''FINDINGS

''SEC. 501. The Congress finds as follows:

''(1) What teachers know and can do has a critical impact on student achievement, yet too often prospective teachers are not receiving the initial preparation they need in order to teach children from diverse backgrounds to challenging standards.

''(2) A number of elementary and secondary schools throughout the United States are implementing educational reform strategies that are research-based, have records of demonstrated effectiveness in enabling students to achieve to high State or local standards, are replicable in diverse and challenging circumstances, and are supported by networks of researchers and experienced practitioners. Yet preparation to implement these strategies is not generally a central component of initial teacher preparation.

''(3) Institutions of higher education that provide teachers for urban and rural schools that enroll concentrations of children from low-income families often have the greatest need to restructure their teacher preparation programs because the teachers they graduate will face the greatest classroom challenges.

''(4) Improvement of teacher preparation in mathematics and reading represents a particular challenge for American education. For example, most future elementary and middle-school mathematics teachers take no more than one or two college-level mathematics courses, and these courses are not designed for prospective teachers and do not cover the mathematics content that elementary and middle-school teachers should teach to enable students to meet challenging mathematics standards. In reading, most teacher preparation programs have not incorporated the large body of research on effective reading instruction.

''(5) If current trends continue, American schools will need to hire more than two million teachers in the next decade to educate an increasing number of students and to replace current teachers who will retire or leave the profession. High-poverty urban and rural schools will experience the most severe teacher shortages. Of the more than two million teachers needed, approximately 15 percent, or 345,000, will be needed in central cities, in schools with large concentrations of low-income students. An additional 207,000 teachers will be needed in isolated, and often poor, rural areas. Recent trends in the number of people preparing to enter teaching indicate that the normal operation of the labor market, by itself, will not produce the number of qualified teachers schools will need.

''(6) Schools are already having trouble recruiting qualified teachers. Nearly three-quarters of physical science students and one-third of English students in high-poverty schools take classes with teachers who lack even a college minor in their field. The National Commission on Teaching and America's Future found that 50,000 uncertified individuals annually enter teaching because schools, frequently those in urban and rural areas with large concentrations of children from low-income families, cannot find all the certified teachers they need.

''(7) Teaching excellence and diversity are inextricably connected. By bringing distinctive life experiences and perspectives into the classroom, enriching the instructional curriculum and the school climate, and strengthening connections to parents and communities, teachers from diverse racial and ethnic groups, and those with disabilities, enhance the quality of American education. Yet today, while one-third of American students are members of minority groups, members of racial and ethnic minority groups make up only 13 percent of the teaching force and nearly half the school districts in the Nation have no minority teachers. In addition, few individuals with disabilities are teaching in American classrooms.

''(8) The Federal Government, by itself, cannot ensure needed improvements in teacher preparation or solve the problem of teacher shortages. However, the Government can make limited, targeted investments that—

''(A) encourage more institutions of higher education that operate teacher preparation programs, working in partnership with local educational agencies and States, to adopt the practices and strategies of the best programs;

''(B) encourage a more diverse mix of Americans to enter teaching and complete high-quality preparation programs; and

''(C) encourage more Americans to serve as teachers in underserved communities.

''PURPOSE

''SEC. 502. The purpose of this title is to help meet the national need to recruit, prepare, and retain a high-quality and diverse supply of elementary and secondary education teachers, and to help meet the needs of schools in urban and rural areas with concentrations of children from low-income families, by—

''(1) authorizing support for partnerships among institutions of higher education that operate exemplary teacher preparation programs, other institutions of higher education seeking to improve their programs, public elementary and secondary schools, and States, in order to improve the quality of the initial preparation of teachers for high-poverty communities;

''(2) authorizing support for partnerships to increase the number and diversity of students who enter teacher education programs and complete high-quality preparation programs, and to increase the quality of teaching in underserved urban and rural communities; and

''(3) encouraging, through such partnerships, the creation of a more diverse teaching force, through the recruitment and preparation of minority individuals, including language minority individuals, and individuals with disabilities, to enter teaching.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 503. (a) AUTHORIZATION FOR PARTS A AND B.—There are authorized to be appropriated—

''(1) $30,000,000 for fiscal year 1999 and such sums as may be necessary for each of the four succeeding fiscal years to carry out the program of Lighthouse Partnerships under part A; and

''(2) $37,000,000 for fiscal year 1999 and such sums as may be necessary for each of the four succeeding fiscal years to carry out the program of Recruiting New Teachers for Underserved Areas under part B.

''(b) TRANSITION.—Notwithstanding any other provision of law, the Secretary may use funds appropriated under subsection (a) to make continuation awards for projects that were funded under subpart 2 of part E of title V of this Act, as in effect prior to enactment of [inset name of reauthorization Act].

''PART A—LIGHTHOUSE PARTNERSHIPS

''DEFINTIONS

''SEC. 511. As used in this part, the following terms have the following meanings:

''(1)(A) The term 'lead institution' means an institution of higher education that—

''(i) operates an exemplary teacher preparation program of significant size in one or more areas of teacher preparation, which may include the preparation of principals and other educational administrators;

''(ii) desires to assist other institutions of higher education in improving their programs and to serve as a national model for effective teacher preparation; and

''(iii) places a significant percentage of its teacher preparation graduates in teaching positions in urban and rural communities with concentrations of children from low-income families.

''(B) A lead institution may participate in a consortium with one or more two-year colleges with which it has articulation agreements relating to teacher preparation.

''(2) The term 'lighthouse partnership' means a partnership of a lead institution, partner institutions, and State and local educational agencies, that is dedicated to improving the quality of teacher preparation programs. Within each partnership, the lead institution shall act as the fiscal agent for the grant.

''(3) The term 'local educational agency' has the meaning given that term in section 14101(18) of the Elementary and Secondary Education Act of 1965.

''(4) The term 'partner institution' means an institution of higher education that—

''(A) prepares teachers for their initial entry into the teaching profession;

''(B) desires to improve its program with assistance from a lead institution; and

''(C) prepares teachers for teaching positions in urban and rural communities with concentrations of children from low-income families.

''(5) The term 'teacher preparation program' means a program operated by an institution of higher education that prepares students to obtain initial teacher licensure and to teach in elementary and second schools. Such a program may also prepare students to become preschool teachers if the institution serves a State or school districts in which preschool education is provided as free, public education.

''GRANTS TO LIGHTHOUSE PARTNERSHIPS

''SEC. 512. (a) GRANTS AUTHORIZED.—(1) From funds appropriated under section 503(a)(1) for this part for each fiscal year, the Secretary shall make competitive grants to lighthouse partnerships.

''(2) Each grant under paragraph (1) shall be for a period not to exceed five years.

''(3) The Secretary shall—

''(A) make continuation awards, for the second and succeeding years, only after determining that the partnership is making satisfactory progress in carrying out the grant; and

''(B) conduct an intensive review of the partnership's progress, with the assistance of outside experts, before making the continuation award for the fourth year of the grant.

''(b) LIMITATION.—No partnership may receive more than two grants under this part.

''PREAPPLICATIONS AND APPLICATIONS

''SEC. 513. (a) PREAPPLICATIONS.—Each lead institution that wishes to participate in a lighthouse partnership that will apply for a grant under this part shall submit a preapplication to the Secretary at such time, in such manner, and containing such information as the Secretary may require, except that the lead institution need not identify the other members of the partnership until it submits an application under subsection (b). The Secretary shall use a peer review process to review these preapplications.

''(b) APPLICATIONS REQUIRED.—Any lighthouse partnership desiring to receive a grant under this part shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

''(c) CONTENTS.—Each application shall include—

''(1) a description of the teacher preparation program operated by the lead institution, including information on the curriculum, the faculty, and the number and characteristics of students served;

''(2) evidence of the quality of the institution's teacher preparation program, covering—

''(A) the extent to which the institution provides a coherent program that—

''(i) reflects the best of what is known, from research and practice;

''(ii) prepares teachers to implement research-based instructional programs of demonstrated effectiveness and to teach their students, particularly those in high-poverty schools, to high State and local content standards; and

''(iii) reflects high standards for teaching, such as the standards of the National Board for Professional Teaching Standards, and for teacher education;

''(B) the commitment of the institution to its program of teacher preparation;

''(C) the connections between the institution's teacher preparation program and its departments or schools of arts and sciences, to ensure the integration of pedagogy and content in teacher preparation;

''(D) the extent to which the institution operates a clinically based teacher preparation program, particularly in high-poverty schools, through which prospective teachers participate in intensive, structured clinical experiences, with extensive faculty involvement, throughout their preservice education, and the extent to which those experiences are integrated into the curriculum;

''(E) the extent to which the institution's program offers continuous assistance to its graduates during their initial years in the classroom;

''(F) the extent to which the institution's program meets the needs of, and has strong connections with, elementary and secondary education (particularly with urban and rural schools and school systems that serve concentrations of students from low-income families and with the education reforms under way in the institution's State), which may include the involvement of elementary and secondary educators in the continuing development, improvement, and implementation of the teacher preparation program;

''(G) the success of the institution in preparing teachers to teach individuals from diverse populations effectively;

''(H) the extent to which the institution is preparing teachers to use technology to teach children to high standards;

''(I) the record of the institution's teacher preparation program in attracting and graduating a diverse student body (including the recruitment and enrollment of individuals with disabilities);

''(J) the procedures the institution uses to measure the quality of its teacher preparation program (including the extent to which graduates improve their subject matter knowledge and teaching ability as a result of their participation in the program) and to improve its program, using information generated through those procedures;

''(K) the success of the program in graduating students who are fully qualified to teach to high standards in the State or region served by the institution;

''(L) the quality of the program's graduates, as documented through such evidence as the graduates' record of obtaining (and retaining) teaching positions and the opinions of school district officials, in the State or region, of the quality of those graduates;

''(M) if applicable, the quality of the institution's program for the preparation of school principals and other school administrators, and of the success of that program; and

''(N) involvement and leadership of the institution in national, regional, and State efforts to improve teacher education and licensure;

''(3) evidence of the extent to which—

''(A) graduates have taken teaching positions in urban and rural schools in communities with concentrations of students from low-income families; and

''(B) the institution recruits and serves students (such as education paraprofessionals) from those communities;

''(4) evidence of the experience of the lead institution in creating or participating in networks with other institutions to improve the quality of teacher preparation programs;

''(5) a description of how the partnership will operate a program under this part, including—

''(A) a description of the governance structure that the partnership will establish (through a written partnership agreement) for the grant, which shall include the active involvement of high-level administrators of the lead institution and representatives of—

''(i) both the teacher preparation program and the school or department of arts and sciences in the lead institution;

''(ii) the partner institutions involved with the grant;

''(iii) local educational agencies (including teachers and other school-level officials) served by the lead institution and one or more of the partner institutions; and

''(iv) State officials with authority over teacher licensure and teacher preparation in the States in which the lead institution and one or more of the partner institutions are located;

''(B) a description of how the partnership will fully engage local educational agencies in the activities carried out under the grant, including how the partnership will use grant funds to address the teacher training needs of the local educational agencies that are members of the partnership, consistent with section 514;

''(C) a description of how the activities undertaken with the grant will support, and be integrated with, the educational reforms under way in the States of the lead and the partner institutions, including a description of plans for coordinating activities carried out under the grant with activities carried out under other Federal or State professional development programs or activities designed to improve pre-service and in-service teacher training; and

''(D) a description of—

''(i) the measurable goals the partnership expects to achieve through the grant, including—

''(I) goals for improvements in the teacher preparation programs of the partner institutions;

''(II) goals for improvements in the quality, and increases in the number, of the graduates of teacher preparation programs operated by members of the partnership who take teaching positions in high-poverty schools of the local educational agencies in the partnership;

''(III) goals for meeting the teacher preparation needs of the local educational agencies in the partnership, in order to improve student achievement; and

''(IV) such other goals, consistent with the purposes of this part, as the partnership may select;

''(ii) how the partnership will achieve the goal of increased diversity among its teacher preparation graduates; and

''(iii) how the partnership will determine whether it is meeting the goals described in clauses (i) and (ii); and

''(6) a description of the partnership's plan for institutionalizing the activities it is carrying out under this part, so that those activities will continue once Federal funding ceases.

''USES OF FUNDS

''SEC. 514. (a) REQUIRED ACTIVITIES.—In order to increase the quality and number of teachers it is preparing for positions in urban and rural areas with concentrations of low-income families, and to increase the diversity of elementary and secondary teachers, each partnership selected to receive a grant under this part shall use the grant funds for each of the following purposes:

''(1) Further development, refinement, assessment of, and dissemination of information on, the teacher preparation programs operated by the lead institution, including activities that document, for other institutions nationally and for policymakers, effective practices in teacher preparation and that produce curricular and other materials for use by other institutions preparing teachers.

''(2) Technical assistance by the lead institution to the partner institutions in improving the partner institutions' teacher preparation programs (and, if applicable, their principal and other administrator preparation programs), based on the experience of the lead institution and the particular needs of the partners.

''(3) Making subgrants to the partner institutions for implementation of program improvements at those institutions, through adoption or adaptation of the teacher preparation practices of the lead institution, to meet the needs of the high-poverty schools in the urban and rural communities they serve. Each partnership shall use at least 40 percent of its grant for this purpose.

''(4) Joint activities with the local educational agencies in the partnership, and with other local educational agencies, that increase the involvement of classroom teachers and school administrators in the design and implementation of teacher preparation programs operated by the lead and partner institutions (and thereby make those programs more responsive to the needs of teachers and administrators), and other activities to improve teaching and administration, and to support new teachers, in the high-poverty schools of those local educational agencies.

''(5) Cooperation and interaction with other lighthouse partnerships and with other institutions, organizations, and public agencies, on activities aimed at the improvement of teacher preparation nationally, including improvement of teacher licensure and relicensure requirements.

''(6) Assessment of the effectiveness of the activities carried out under the grant, including the extent to which the partnership is achieving its goals under section 513(c)(5)(D).

''(b) OPTIONAL ACTIVITIES.—Each partnership selected to receive a grant under this part may also use the grant funds for joint activities with States that promote the development and implementation of State policies to facilitate the improvement of teacher preparation programs (and, if applicable, principal and other administrator preparation programs) within the States, as a component of comprehensive education reforms.

''SELECTION OF APPLICATIONS

''SEC. 515. (a) PEER REVIEW.—The Secretary shall, using a peer review process, select applicants to receive grants under this part on the basis of—

''(1) the quality of the teacher preparation program operated by the lead institution in a proposed partnership;

''(2) the quality of the partnership's plan for carrying out activities under the grant; and

''(3) the capacity of the lead institution and its partners to carry out the proposed activities successfully.

''(b) CRITERIA.—(1) In selecting grantees under this part, the Secretary shall seek to ensure that—

''(A) lighthouse partnerships represent a variety of approaches to teacher preparation;

''(B) lead institutions represent a variety of institutions of higher education; and

''(C) there is an equitable geographic distribution of awards.

''(2) In addition to complying with paragraph (1), the Secretary shall give special consideration to applications for—

''(A) projects that are likely to have the most significant impact on the quality of teaching in high-poverty urban and rural schools;

''(B) projects that are likely to result in improvement of teacher preparation in the areas of mathematics and reading; and

''(C) projects that are likely to prepare a significant number of minority individuals, including language minority individuals, and individuals with disabilities to be effective teachers.

''(c) SECOND FIVE-YEAR GRANTS.—In selecting grantees to receive second grants under this part, the Secretary shall give a preference to applicants whose projects have resulted in—

''(1) the placement and retention of a substantial number of high-quality graduates in teaching positions in underserved, high-poverty schools;

''(2) the adoption of effective teacher preparation programs, particularly those meeting the needs of high-poverty urban and rural ares, by the partner institutions; and

''(3) effective partnerships with elementary and secondary schools that are supporting improvements in student achievement.

''EVALUATION

''SEC. 516. The Secretary shall provide for an evaluation of the program carried out under this part, including an assessment of such issues as—

''(1) the extent to which the activities carried out through Lighthouse Partnership grants result in significant and positive changes in the teacher preparation programs operated by partner institutions, as well as improvements in the programs operated by lead institutions, that are likely to lead to improvements in teaching and learning;

''(2) the extent to which lighthouse Partnership grants enhance the effectiveness, including the technological proficiency, and the diversity, of students completing teacher preparation programs in the institutions of higher education participating in the grants; and

''(3) the involvement of elementary and secondary schools and school districts serving concentrations of children from low-income families in the activities carried out under this part, and the extent to which those activities result in benefits to those schools and districts, including information on the extent to which involvement in the grants improves the instructional programs and the educational outcomes for students in those schools and districts.

''NATIONAL ACTIVITIES

''SEC. 517. The Secretary may reserve up to 5 percent of the funds appropriated to carry out this part for any fiscal year for—

''(1) peer review of applications;

''(2) evaluation of the program under section 516, and measurement of its effectiveness in accordance with the Government Performance and Results Act of 1993;

''(3) conferences and networks of lighthouse partnerships, and other entities, in order to facilitate the exchange of information and ideas among the participating partnerships and other institutions, agencies, and individuals, including recipients of funds under part B of this title, who are interested in the improvement of teacher preparation and parallel improvements in principal and administrator preparation; and

''(4) technical assistance and other activities to enhance the success of the program carried out under this part or of teacher education more generally.

''PART B—RECRUITING NEW TEACHERS FOR UNDERSERVED AREAS

''PROGRAM AUTHORIZED

''SEC. 521. From funds appropriated to carry out this part under section 503(a)(2) for each fiscal year, the Secretary shall make competitive grants to eligible applicants for programs that—

''(1) provide scholarships and, as necessary, support services for students with high potential to become effective teachers, particularly minority students, including language minority students, and students with disabilities, seeking to complete teacher preparation programs;

''(2) increase the quality and number of new teachers nationally; and

''(3) increase the ability of schools in underserved areas to recruit a qualified teaching staff.

''DEFINITIONS

''SEC. 522. As used in this part, the following terms have the following meanings:

''(1)(A) The term 'eligible applicant' means a partnership of—

''(i) an institution of higher education that grants baccalaureate degrees and prepares teachers for their initial entry into the teaching profession; and

''(ii) one or more local educational agencies that are in underserved areas.

''(B) Such a partnership may also include—

''(i) two-year colleges that operate teacher preparation programs and maintain articulation agreements, with the baccalaureate-granting institution, for the transfer of credits in teacher preparation;

''(ii) State agencies that have responsibility for policies related to teacher preparation and licensure; and

''(iii) other public and private, nonprofit agencies and organizations that serve, or are located in, communities served by the local educational agencies in the partnership, and that have an interest in teacher recruitment, preparation, and induction.

''(2) The term 'local educational agency' has the meaning given that term in section 14101(18) of the Elementary and Secondary Education Act of 1965.

''(3) The term 'support service' includes—

''(A) academic advice and counseling;

''(B) tutorial services;

''(C) mentoring; and

''(D) child care and transportation, if funding for those services cannot be arranged from other sources; and

''(4) The term 'underserved area' means—

''(A) the three local educational agencies in the State that have the highest numbers of children, ages 5 through 17, from families below the poverty level (based on data satisfactory to the Secretary); and

''(B) any other local educational agency in which the percentage of such children is at least 20 percent, or the number of such children is at least 10,000.

''GRANT CONDITIONS

''SEC. 523. (a) GRANTS AUTHORIZED.—(1)(A) The Secretary shall carry out this part by making competitive grants to eligible applicants.

''(B) Each grant under subparagraph (A) shall be for a period not to exceed five years.

''(2) The Secretary shall—

''(A) make continuation awards, for the second and succeeding years, only after determining that the grantee is making satisfactory progress in carrying out the grant; and

''(B) conduct an intensive review of the grantee's progress, with the assistance of outside experts, before making the award for the fourth year of the grant.

''(3) No partnership may receive more than two grants under this subsection.

''(b) MATCHING REQUIREMENT.—(1) The Federal share of the cost of activities carried out under a grant made under subsection (a) shall not exceed—

''(A) 90 percent of the cost in the first year of the grant;

''(B) 80 percent in the second year;

''(C) 70 percent in the third year;

''(D) 60 percent in the fourth year; and

''(E) 50 percent in the fifth year and any succeeding year (including each year of the second grant, if any).

''(2) The non-Federal share of activities carried out with a grant under subsection (a) may be provided in cash or in kind, fairly evaluated, and may be obtained from any non-Federal public or private source.

''(c) PLANNING GRANTS.—(1) The Secretary may make planning grants to eligible applicants that are not yet ready to implement programs under subsection (a).

''(2) Each planning grant shall be for a period of not more than one year, which shall be in addition to the period of any grant under subsection (a).

''(3) Any recipient of a planning grant under this subsection that wishes to receive a grant under subsection (a)(1) shall separately apply for a competitive grant under that subsection.

''GRANT APPLICATIONS

''SEC. 524. (a) APPLICATIONS REQUIRED.—Any eligible applicant desiring to receive a grant under this part shall submit an application at such time, in such form, and containing such information as the Secretary may require.

''(b) APPLICATION CONTENTS.—Each application for a grant under section 523(a) shall include—

''(1) a designation of the institution or agency, within the partnership, that will serve as the fiscal agent for the grant;

''(2) information on the quality of the institution's teacher preparation program, which may include the types of information described in section 513(c)(2), and how the applicant will ensure, through improvements in its teacher preparation practices or other appropriate strategies, that scholarship recipients will receive high-quality preparation;

''(3) a description of the assessment the institution, the local educational agency partners, and other partners have undertaken—

''(A) to determine—

''(i) the most critical needs of the local educational agencies, particularly the needs of schools in high-poverty areas, for new teachers (which may include teachers in particular subject areas or at certain grade levels, including the prekindergarten level, minority teachers, and teachers who are disabled who will contribute to the diversity of the local educational agency's teachers, or teachers who are fluent in languages spoken by students in the local educational agency); and

''(ii) how the project carried out under the grant will address those needs; and

''(B) that reflects the input of all significant entities in the community (including organizations representing teachers and parents) that have an interest in teacher recruitment, preparation, and induction;

''(4) a description of the project the applicant will carry out with the grant, including information on—

''(A) the recruitment and outreach efforts the applicant will undertake to publicize the availability of scholarships and other assistance under the program;

''(B)(i) the number and types of students that the applicant will serve under the program, which may include education paraprofessionals seeking to achieve full teacher certification; teachers whom the partner local educational agencies have hired under 'emergency certification' procedures; or former military personnel, mid-career professionals, or AmeriCorps or Peace Corps volunteers, who desire to enter teaching; and

''(ii) the criteria that the applicant will use in selecting those students, including criteria to determine whether individuals have the capacity to benefit from the program, complete teacher certification requirements, and become effective teachers;

''(C) the activities the applicant will carry out under the grant, including a description of, and justification for, any support services the institution will offer to participating students;

''(D) the number and funding range of the scholarships the institution will provide to students; and

''(E) the procedures the institution will establish for entering into, and enforcing, agreements with scholarship recipients regarding their fulfillment of the service commitment described in section 529;

''(5) a description of how the institution will use funds provided under the grant only to increase the number of students with high potential to be effective teachers, participating in its teacher preparation programs, or in the particular type or types of preparation programs that the grant would support, or to increase the number of their graduates with high potential to be effective teachers who are minority individuals, including language minority individuals, or individuals with disabilities;

''(7) a description of commitments, by the partner local educational agencies, to hire qualified scholarship recipients in their schools and in the subject areas or grade levels for which the recipients will be trained, and description of the actions the grantee institution, the local educational agencies, and the other partners will take to facilitate the successful transition of those recipients into teaching; and

''(8) a description of the applicant's plan for institutionalizing the activities it is carrying out under this part, so that those activities will continue once Federal funding ceases.

''USES OF FUNDS

''SEC. 525. IN GENERAL.—Each grantee under section 523 (a) shall use the grant funds for the following:

''(1) Scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

''(2) Support services, if needed to enable scholarship recipients to complete postsecondary education programs.

''(3) Follow-up services provided to former schoalrship recipients during their first three years of teaching.

''(4) Payments to partner local educational agencies, if needed to enable them to permit paraprofessional staff to participate in teacher preparation programs (such as the cost of 'release time' for those staff).

''(5) If appropriate, and if no other funds are available, paying the costs of additional courses taken by former scholarship recipients during their initial three years of teaching.

''(b) PLANNING GRANTS.—A recipient of a planning grant under section 523(c) shall use the grant funds for the costs of planning for the implementation of a grant under section 523(a).

''SELECTION OF APPLICANTS

''SEC. 526. (a) PEER REVIEW.—The Secretary, using a peer review process, shall select applicants to receive funding under this part on the basis of—

''(1) the quality of the teacher preparation program offered by the institution;

''(2) the quality of the program that would be carried out under the application; and

''(3) the capacity of the partnership to carry out the grant successfully.

''(b) CRITERIA.—(1) making selections, the Secretary shall seek to ensure that—

''(A) in the aggregate, grantees carry out a variety of approaches to preparing new teachers; and

''(B) there is an equitable geographic distribution of awards.

''(2) In addition to complying with paragraph (1), the Secretary shall give special consideration to—

''(A) applications most likely to result in the preparation of increased numbers of individuals with high potential for effective teaching who are minority individuals, including language minority individuals, and individuals with disabilities; and

''(B) applications from historically black colleges and universities, Hispanic-serving institutions, and Tribal Colleges and Universities, as defined in title III of this Act.

''(c) SECOND FIVE-YEAR GRANTS.—In selecting grantees to receive second grants under this part, the Secretary shall give a preference to applicants whose projects have resulted in—

''(1) the placement and retention of a substantial number of high-quality graduates in teaching positions in undeserved, high-poverty schools;

''(2) the adoption of effective programs that meet the teacher preparation needs of high-poverty urban and rural areas; and

''(3) effective partnerships with elementary and secondary schools that are supporting improvements in student achievement.

''DURATION AND AMOUNT OF ASSISTANCE; RELATION TO OTHER ASSISTANCE

''SEC. 527. (a) DURATION OF ASSISTANCE.—No individual may receive scholarship assistance under this part—

''(1) for more than five years of postsecondary education; and

''(2) unless that individual satisfies the requirements of section 484(a)(5) of this Act.

''(b) AMOUNT OF ASSISTANCE.—No individual may receive an award under this program that exceeds the cost of attendance, as defined in section 472 of this Act, at the institution the individual is attending.

''(c) RELATION TO OTHER ASSISTANCE.—A scholarship awarded under this part—

''(1) shall not be reduced on the basis of the individual's receipt of other forms of Federal student financial assistance; and

''(2) shall be regarded as other financial assistance available to the student, within the meaning of sections 471(3) and 480(j)(1) of this Act, in determining the student's eligibility for grant, loan, or work assistance under title IV of this Act.

''SCHOLARSHIP CONDITIONS

''SEC. 528. (a) IN GENERAL.—A recipient of a scholarship under this part shall continue to receive the assistance only as long as he or she is—

''(1) enrolled as a full-time student and pursuing a course of study leading to teacher certification, unless he or she is working in a public school (as a paraprofessional, or as a teacher under emergency credentials) while participating in the program; and

''(2) maintaining satisfactory progress as determined by the institution.

''(b) SPECIAL RULE.—Each grantee shall modify the application of section 527(a)(1) and of subsection (a)(1) of this section to the extent necessary to accommodate the rights of students with disabilities under section 504 of the Rehabilitation Act of 1973.

''SERVICE REQUIREMENTS

''SEC. 529. (a) REQUIREMENT.—Each partnership receiving a grant under this part shall enter into an agreement, with each student to whom it awards a scholarship under this part, providing that a scholarship recipient who completes a teacher preparation program under this part shall, within five years of completing that program, teach full-time for at least three years in a high-poverty school in an underserved geographic area or repay the amount of the scholarship, under the terms and conditions established by the Secretary.

''(b) REGULATIONS.—The Secretary shall prescribe regulations relating to the requirements of subsection (a), including any provisions for waiver of those requirements.

''EVALUATION

''SEC. 530. The Secretary shall provide for an evaluation of the program carried out under this part, which shall assess such issues as—

''(1) whether institutions taking part in the partnerships are successful in preparing scholarship recipients to teach to high State and local standards;

''(2) whether scholarship recipients are successful in completing teacher preparation programs, becoming fully certified teachers, and obtaining teaching positions in underserved areas, and whether they continue teaching in those areas over a period of years;

''(3) the national impact of the program in assisting local educational agencies in underserved areas to recruit, prepare, and retain diverse, high-quality teachers in the areas in which they have the greatest needs;

''(4) the long-term impact of the grants on teacher preparation programs conducted by grantees and on grantees' relationships with their partner local educational agencies and other partners; and

''(5) the relative effectiveness of different approaches for preparing new teachers to teach in underserved areas, including their effectiveness in preparing new teachers to teach to high content and performance standards.

''NATIONAL ACTIVITIES

''SEC. 531. The Secretary may retain up to five percent of the funds appropriated for this part for any fiscal year for—

''(1) peer review of applications;

''(2) conducting the evaluation required under section 530; and

''(3) technical assistance and other activities to facilitate the exchange of information and ideas among participating partnerships, and other activities to enhance the success of the program carried out under this part.''.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the names of the Senator from Kansas [Mr. BROWNBACK] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 219

At the request of Mr. DASCHLE, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Illinois [Mr. DURBIN], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 219, a bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for value-added agricultural products of the United States.

S. 449

At the request of Mr. KYL, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 449, a bill to prohibit the restriction of certain types of medical communications between a health care provider and a patient.

S. 512

At the request of Mr. FAIRCLOTH, his name was added as a cosponsor of S. 512, a bill to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

S. 755

At the request of Mr. CAMPBELL, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Kansas [Mr. BROWNBACK], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Iowa [Mr. HARKIN], the Senator from Montana [Mr. BURNS], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for fiscal year 1997 and to make other improvements to that chapter.

S. 778

At the request of Mr. LUGAR, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 778, a bill to authorize a new trade and investment policy for sub-Saharan Africa.

S. 887

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom Program, and for other purposes.

S. 1135

At the request of Mr. MCCONNELL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1135, a bill to provide certain immunities from civil liability for trade and professional associations, and for other purposes.

S. 1154

At the request of Mr. REED, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1154, a bill to amend the Electronic Fund Transfer Act to clarify consumer liability for unauthorized transactions involving debit cards that can be used like credit cards, and for other purposes.

S. 1169

At the request of Mr. REED, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1169, a bill to establish professional development partnerships to improve the quality of America's teachers and the academic achievement of students in the classroom, and for other purposes.

S. 1182

At the request of Ms. SNOWE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1182, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation and permit matter that is extraneous to emergencies to be stricken as provided in the Byrd rule.

S. 1192

At the request of Ms. SNOWE, the names of the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Maine [Ms. COLLINS] were added as cosponsors of S. 1192, a bill to limit the size of vessels permitted to fish for Atlantic mackerel or herring, to the size permitted under the appropriate fishery management plan.

S. 1194

At the request of Mr. KYL, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Indiana [Mr. COATS], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the medicare program.

SENATE CONCURRENT RESOLUTION 51

At the request of Mr. HELMS, the names of the Senator from Oregon [Mr. SMITH], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Concurrent Resolution 51, a concurrent resolution expressing the sense of Congress regarding elections for the legislature of the Hong Kong Special Administrative Region.

SENATE RESOLUTION 119

At the request of Mr. FEINGOLD, the names of the Senator from South Dakota [Mr. DASCHLE], and the Senator from Maine [Ms. COLLINS] were added as cosponsors of Senate Resolution 119, a resolution to express the sense of the Senate that the Secretary of Agriculture should establish a temporary emergency minimum milk price that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers.

AMENDMENT NO. 1177

At the request of Mr. REED the names of the Senator from Massachusetts [Mr. KENNEDY], and the Senator from