

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself  
and Mr. SCHUMER):

S. 2334. A bill to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; to the Committee on Energy and Natural Resources.

Mrs. CLINTON. Mr. President, I rise to introduce the Caribbean National Forest Act of 2004, along with Senator SCHUMER.

The Caribbean National Forest Act designates approximately 10,000 acres of the Caribbean National Forest (CNF) as the El Toro Wilderness. The El Toro Wilderness would be the only tropical forest wilderness in the U.S. National Forest system.

The CNF has long been recognized as a special area, worthy of protection. The Spanish Crown proclaimed much of the current CNF as a forest reserve in 1824. One hundred years ago, President Theodore Roosevelt reasserted the protection of the CNF by designating the area as a forest reserve.

Located 25 miles east of San Juan, the CNF is a biologically diverse area. Although it is the smallest forest in the national forest system, the CNF ranks number one in the number of species of native trees with 240. In addition, the CNF has 50 varieties of orchids and over 150 species of ferns. The area is also rich in wildlife with over 100 species of vertebrates, including the endangered Puerto Rican parrot. The only native parrot in Puerto Rico, they numbered nearly one million at the time that Columbus set sail for the New World. Today there are fewer than 35 of these parrots. The Forest Service, the U.S. Fish and Wildlife Service and Puerto Rico's Department of Natural Resources and the Environment have initiated a recovery program for the Puerto Rican Parrot. Wilderness designation will ensure that the forest home to the parrot will remain protected and the ongoing recovery efforts, consistent with the Wilderness Act, will continue.

The CNF also provides valuable water to the people of Puerto Rico. The CNF receives over 10 feet of rain each year. As a result, the major watersheds in the CNF are able to provide water to over 800,000 residents. In addition, the CNF provides a variety of recreational opportunities to over 700,000 Puerto Ricans and tourists each year. Families, friends and school groups come to the forest to hike, bird watch, picnic, swim and enjoy the scenic vistas.

Wilderness designation of the El Toro will protect approximately one third of the forest. A companion House bill, H.R. 1723, has been introduced by Puerto Rico's Resident Commissioner, Abibel Acevedo Vila. During a House hearing on this measure last summer, the U.S. Forest Service stated its support for the designation of the El Toro Wilderness Area.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 2334

*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 "Caribbean National Forest Act of 2004".

## SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term "map" means the map dated April 13, 2004 and entitled "El Toro Proposed Wilderness Area".

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

## SEC. 3. WILDERNESS DESIGNATION, CARIBBEAN NATIONAL FOREST, PUERTO RICO.

(a) EL TORO WILDERNESS.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1113 et seq.), the approximately 10,000 acres of land in the Caribbean National Forest/Luquillo Experimental Forest in the Commonwealth of Puerto Rico described in the map are designated as wilderness and as a component of the National Wilderness Preservation System.

(2) DESIGNATION.—The land designated in paragraph (1) shall be known as the El Toro Wilderness.

(3) WILDERNESS BOUNDARIES.—The El Toro Wilderness shall consist of the land described in the map.

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a boundary description of the El Toro Wilderness; and

(B) submit the map and the boundary description to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) PUBLIC INSPECTION AND TREATMENT.—The map and the boundary description prepared under paragraph (1)(A)—

(A) shall be on file and available for public inspection in the office of the Chief of the Forest Service; and

(B) shall have the same force and effect as if included in this Act.

(3) ERRORS.—The Secretary may correct clerical and typographical errors in the map and the boundary description prepared under paragraph (1)(A).

(c) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, the Secretary shall administer the El Toro Wilderness in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act.

(2) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the El Toro Wilderness, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

(d) SPECIAL MANAGEMENT CONSIDERATIONS.—Consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), nothing in this Act precludes the installation and maintenance of hydrologic, meteorological, climatological, or atmospheric data collection and remote transmission facilities, or any combination of those facilities, in any case in which the Secretary determines that the facilities are essential to the scientific research purposes of the Luquillo Experimental Forest.

By Mr. REED (for himself, Mr. KENNEDY, and Mr. BINGAMAN):

S. 2335. A bill to amend part A of title II of the Higher Education Act of 1965 to enhance teacher training and teacher preparation programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to introduce the Preparing, Recruiting, and Retaining Education Professionals Act of 2004 to ensure high quality preparation, induction, and professional development programs for teachers, early childhood education providers, principals and administrators in order to improve learning and achievement for all students.

As Congress turns to the reauthorization of the Higher Education Act, we need to increase support for prospective, new, and experienced educators in early childhood education programs, elementary schools, and secondary schools.

My legislation challenges teacher preparation programs to make improving student achievement the engine that drives all activities, training, and support for teachers. The goal here is not to be punitive but to put students and their achievement first.

We know that strong teaching skills make a difference. Studies have shown that students who attend classes taught by high-quality teachers perform significantly better on assessments. The No Child Left Behind Act requires that all teachers be highly qualified. To be so deemed, in general, a teacher must hold a bachelor's degree, be fully certified by a State, and demonstrate content knowledge of the subjects taught by the 2005-2006 school year. New teachers must meet this standard now. Yet, according to the U.S. Department of Education, only 54 percent of our Nation's secondary school teachers were highly qualified during the 1999-2000 school year. The percentage of highly qualified teachers varies widely by State and by subject matter. For example, a 2003 survey by the Council of Chief State School Officers found that only my home State of Rhode Island, Nebraska, New Jersey, North Dakota, and Minnesota have more than 80 percent of their math teachers with college majors in math and full certification. Seven States report having more than 10 percent of their teachers on waivers; that is, teaching with emergency, temporary, or provisional licenses.

The Preparing, Recruiting, and Retaining Education Professionals Act modifies and strengthens the current State, partnership, and recruitment grants contained within title II of the Higher Education Act to focus on improving teaching skills of prospective, new, and experienced teachers and early childhood education providers as well as improving the capacity of principals to provide instructional leadership and classroom support for teachers.

My legislation ensures States hold institutions of higher education and entities that provide alternative routes to State certification equally accountable for preparing highly qualified teachers and highly competent early childhood education providers via reforms to ensure preparation program effectiveness. The goal is to provide teachers and early childhood education providers the scientific knowledge of teaching skills needed to understand and respond effectively to diverse student populations, including students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs; the ability to integrate technology into the classroom; strategies to effectively use assessments to improve instructional practices and curriculum; and an understanding of how to communicate with and involve parents in their children's education.

The Higher Education Act's existing partnership grants are strengthened by improving the effectiveness of the teaching skills and learning practices taught through inclusion of academic departments such as psychology, human development, or one with comparable expertise in the disciplines of teaching, learning, and child and adolescent development. Partnerships are expanded to include pre-service clinical, field, or practicum components whereby the prospective teachers receive close supervision and mentoring. A residency program would be created to provide ongoing training support during new teachers' first 3 years. Professional development opportunities would have to be provided for experienced teachers to encourage continual retraining to further their skills. Managerial skill development is also included to improve the capacity of principals to provide instructional leadership and classroom support for teachers.

The time for action is now because too few of the teachers that we have prepared choose to enter the schools and stay. According to the National Commission on Teaching and America's Future, after 3 years, 33 percent of beginning teachers have left teaching and after 5 years, 46 percent have left. Not surprisingly, the turnover rate in high poverty schools is approximately one-third higher than the rate for all teachers. During the 1999-2000 school year, 232,000 new teachers were hired, but schools lost more than 287,000—a net loss of 24 percent. Teacher attrition undermines teacher quality and drives teacher shortages. Investing in the preparation of our educators and their continued professional development is critical for addressing these needs which, in turn, will improve outcomes and results for all children.

One of the primary reasons for such high attrition, according to the Commission, is the lack of support once a teacher is hired. Approximately one-third of those teachers who expressed dissatisfaction cited poor administra-

tive support, a lack of faculty influence and inadequate planning and collaboration time. By providing mentoring and support during the pre-service experiences, the early years of teaching, and through ongoing professional development opportunities for experienced teachers, we can substantially reduce the terrible turnover rates that our Nation experiences.

There are also extensive teaching vacancies in schools nationwide. The General Accounting Office has found that 23 of 37 State officials reported teacher shortages in high-need subject areas such as mathematics, science, bilingual education and special education.

My legislation focuses recruitment activities where high teacher turnover and shortages exist, where there is great difficulty meeting academic standards, or where there is great difficulty demonstrating that teachers are highly qualified. The grants also allow funds for outreach to encourage recruitment in inner city and rural areas.

The State, partnership, and recruitment grants are currently funded at only \$90 million a year—far too little of an investment for this critical enterprise. The stakes are too high, not just in terms of meeting the highly qualified requirements of No Child Left Behind, but for real kids in real classrooms. My bill significantly boosts this funding, authorizing \$500 million for these vital programs.

The PRREP Act is supported by a diverse array of education organizations, including the American Association of Colleges for Teacher Education, American Psychological Association, Center for Civic Education, Council for Exceptional Children, Higher Education Consortium for Special Education, National Association of Elementary School Principals, National Association of Secondary School Principals, National Association of State Directors of Special Education, National Association for the Education of Young Children, National Council of Teachers of English, National Council of Teachers of Mathematics, National Science Teachers Association, and National PTA.

I urge my colleagues to join me in this essential endeavor by cosponsoring this legislation and working for its inclusion in the reauthorization of the Higher Education Act.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

Additionally, I am pleased to be joining Senator BINGAMAN, who is introducing the CLASS Act. This legislation shares the PRREP Act's spirit of improving teacher preparation and therefore, student achievement. In addition to encouraging the development of data systems to measure teacher quality, the CLASS Act authorizes pilot studies to evaluate the impact of teacher preparation programs on student achievement and to identify the

specific practices that result in achievement gains. The legislation also seeks to improve minority teacher recruitment and retention.

The PRREP Act, Senator BINGAMAN's bill, and the bill we joined Senator KENNEDY in introducing last year—S. 1793, the College Quality, Affordability, and Diversity Improvement Act—will all go a long way toward ensuring the high quality preparation, induction, and professional development that our Nation's educators—and students—deserve.

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

S. 2335

*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 "Preparing, Recruiting, and Retaining Education Professionals Act of 2004".

#### SEC. 2. PURPOSES; DEFINITIONS.

Section 201 of the Higher Education Act of 1965 (20 U.S.C. 1021) is amended to read as follows:

##### "SEC. 201. PURPOSES; DEFINITIONS.

"(a) PURPOSES.—The purposes of this part are to—

"(1) improve student achievement;

"(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing ongoing professional development activities;

"(3) encourage partnerships among institutions of higher education, early childhood education programs, elementary schools or secondary schools, local educational agencies, State educational agencies, teacher organizations, and nonprofit educational organizations;

"(4) hold institutions of higher education and all other teacher preparation programs (including programs that provide alternative routes to teacher preparation) accountable in an equivalent manner for preparing—

"(A) teachers who have strong teaching skills, are highly qualified, and are trained in the effective uses of technology in the classroom; and

"(B) early childhood education providers who are highly competent;

"(5) recruit and retain qualified individuals, including individuals from other occupations, into the teaching force for early childhood education programs or in elementary schools or secondary schools;

"(6) improve the recruitment, retention, and capacities of principals to provide instructional leadership and to support teachers in maintaining safe and effective learning environments;

"(7) expand the use of research to improve teaching and learning by teachers, early childhood education providers, principals, and faculty; and

"(8) enhance the ability of teachers, early childhood education providers, principals, administrators, and faculty to communicate, work with, and involve parents in ways that improve student achievement.

"(b) DEFINITIONS.—In this part:

"(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

"(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

“(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

“(2) **EARLY CHILDHOOD EDUCATION PROGRAM.**—The term ‘early childhood education program’ means a family child care program, center-based child care program, prekindergarten program, school program, or other out-of-home child care program that is licensed or regulated by the State serving 2 or more unrelated children from birth until school entry, or a Head Start program carried out under the Head Start Act or an Early Head Start program carried out under section 645A of that Act.

“(3) **EXEMPLARY TEACHER.**—The term ‘exemplary teacher’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(4) **FACULTY.**—

“(A) **IN GENERAL.**—The term ‘faculty’ means individuals in institutions of higher education who are responsible for preparing teachers.

“(B) **INCLUSIONS.**—The term ‘faculty’ includes professors of education and professors in academic disciplines such as the arts and sciences, psychology, and human development.

“(5) **HIGH-NEED LOCAL EDUCATIONAL AGENCY.**—The term ‘high-need local educational agency’ means a local educational agency that serves an early childhood education program, elementary school, or secondary school located in an area in which—

“(A)(i) 15 percent or more of the students served by the agency are from families with incomes below the poverty line;

“(ii) there are more than 5,000 students served by the agency from families with incomes below the poverty line; or

“(iii) there are less than 600 students in average daily attendance in all the schools that are served by the agency and all of whose schools are designated with a school locale code of 7 or 8, as determined by the Secretary; and

“(B)(i) there is a high percentage of teachers who are not highly qualified; or

“(ii) there is a chronic shortage, or high turnover rate, of highly qualified teachers.

“(6) **HIGH-NEED SCHOOL.**—The term ‘high-need school’ means an early childhood education program, public elementary school, or public secondary school—

“(A)(i) in which there is a high concentration of students from families with incomes below the poverty line; or

“(ii) that, in the case of a public elementary school or public secondary school, is identified as in need of school improvement or corrective action pursuant to section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316); and

“(B) in which there exists—

“(i) in the case of a public elementary school or public secondary school, a persistent and chronic shortage, or high turnover rate, of highly qualified teachers; and

“(ii) in the case of an early childhood education program, a persistent and chronic shortage of early childhood education providers who are highly competent.

“(7) **HIGHLY COMPETENT.**—The term ‘highly competent’ when used with respect to an early childhood education provider means a provider—

“(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

“(B) with—

“(i) a baccalaureate degree in an academic major in the arts and sciences; or

“(ii) an associate's degree in a related educational area; and

“(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

“(8) **HIGHLY QUALIFIED.**—The term ‘highly qualified’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(9) **MENTORING.**—The term ‘mentoring’ means a process by which a teacher mentor who is an exemplary teacher, either alone or in a team with faculty, provides active support for prospective teachers and new teachers through a system for integrating evidence-based practice, including rigorous, supervised training in high-quality teaching settings. Such support includes activities specifically designed to promote—

“(A) knowledge of the scientific research on, and assessment of, teaching and learning;

“(B) development of teaching skills and skills in evidence-based educational interventions;

“(C) development of classroom management skills;

“(D) a positive role model relationship where academic assistance and exposure to new experiences is provided; and

“(E) ongoing supervision and communication regarding the prospective teacher's development of teaching skills and continued support for the new teacher by the mentor, other teachers, principals, and administrators.

“(10) **PARENT.**—The term ‘parent’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(11) **PARENTAL INVOLVEMENT.**—The term ‘parental involvement’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(12) **POVERTY LINE.**—The term ‘poverty line’ means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

“(13) **PROFESSIONAL DEVELOPMENT.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term ‘professional development’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(B) **EARLY CHILDHOOD EDUCATION PROVIDERS.**—The term ‘professional development’ when used with respect to an early childhood education provider means knowledge and skills in all domains of child development (including cognitive, social, emotional, physical, and approaches to learning) and pedagogy of children from birth until entry into kindergarten.

“(14) **TEACHING SKILLS.**—The term ‘teaching skills’ means skills—

“(A) grounded in the disciplines of teaching and learning that teachers use to create effective instruction in subject matter content and that lead to student achievement and the ability to apply knowledge; and

“(B) that require an understanding of the learning process itself, including an understanding of—

“(i) the use of teaching strategies specific to the subject matter;

“(ii) the application of ongoing assessment of student learning, particularly for evaluating instructional practices and curriculum;

“(iii) ensuring successful learning for students with individual differences in ability and instructional needs;

“(iv) effective classroom management; and

“(v) effective ways to communicate, work with, and involve parents in their children's education.”.

### SEC. 3. STATE GRANTS.

Section 202 of the Higher Education Act of 1965 (20 U.S.C. 1022) is amended to read as follows:

#### “SEC. 202. STATE GRANTS.

“(a) **IN GENERAL.**—From amounts made available under section 211(1) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsection (d).

“(b) **ELIGIBLE STATE.**—

“(1) **DEFINITION.**—In this part, the term ‘eligible State’ means—

“(A) a State educational agency; or

“(B) an entity or agency in the State responsible for teacher certification and preparation activities.

“(2) **CONSULTATION.**—The eligible State shall consult with the Governor, State board of education, State educational agency, State agency for higher education, State agency with responsibility for child care, prekindergarten, or other early childhood education programs, and other State entities that provide professional development and teacher preparation for teachers, as appropriate, with respect to the activities assisted under this section.

“(3) **CONSTRUCTION.**—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

“(c) **APPLICATION.**—To be eligible to receive a grant under this section, an eligible State shall, at the time of the initial grant application, submit an application to the Secretary that—

“(1) meets the requirement of this section and other relevant requirements for States under this title;

“(2) describes how the eligible State intends to use funds provided under this section in accordance with State-identified needs;

“(3) describes the eligible State's plan for continuing the activities carried out with the grant once Federal funding ceases;

“(4) describes how the eligible State will coordinate activities authorized under this section with other Federal, State, and local personnel preparation and professional development programs; and

“(5) contains such other information and assurances as the Secretary may require.

“(d) **USES OF FUNDS.**—An eligible State that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, and to ensure that current and future teachers are highly qualified and possess strong teaching skills and knowledge to assess student academic achievement, by carrying out 1 or more of the following activities:

“(1) **REFORMS.**—Implementing reforms that hold institutions of higher education with teacher preparation programs accountable for, and assist such programs in, preparing teachers who are highly qualified or early childhood education providers who are highly competent. Such reforms shall include—

“(A) State program approval requirements regarding curriculum changes by teacher preparation programs that improve teaching skills based on scientific knowledge—

“(i) about the disciplines of teaching and learning; and

“(ii) about understanding and responding effectively to students with special needs;

“(B) State program approval requirements for teacher preparation programs to have in place mechanisms to measure and assess the

effectiveness and impact of teacher preparation programs, including on student achievement;

“(C) assurances from institutions that such institutions have a program in place that provides a year-long clinical experience for prospective teachers; and

“(D) collecting and using data, in collaboration with institutions of higher education, schools, and local educational agencies, on teacher retention rates, by school, to evaluate and strengthen the effectiveness of the State’s teacher support system.

“(2) CERTIFICATION OR LICENSURE REQUIREMENTS.—Ensuring the State’s teacher certification or licensure requirements are rigorous so that teachers have strong teaching skills and are highly qualified.

“(3) ALTERNATIVE ROUTES TO STATE CERTIFICATION.—Carrying out programs that provide prospective teachers with high-quality alternative routes to traditional preparation for teaching and to State certification for well-prepared and qualified prospective teachers, including—

“(A) programs at schools or departments of arts and sciences, schools or departments of education within institutions of higher education, or at nonprofit educational organizations with expertise in producing highly qualified teachers that include instruction in teaching skills;

“(B) a selective means for admitting individuals into such programs;

“(C) providing intensive support during the initial teaching experience, including mentoring;

“(D) establishing, expanding, or improving alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, paraprofessionals, former military personnel and recent college graduates with records of academic distinction, that have a proven record of effectiveness and that ensure that current and future teachers possess strong teaching skills and are highly qualified; and

“(E) providing support in the disciplines of teaching and learning to ensure that prospective teachers have an understanding of evidence-based learning practices and possess strong teaching skills.

“(4) STATE CERTIFICATION RECIPROCITY.—Establishing and promoting reciprocity of certification or licensing between or among States for general and special education teachers and principals, except that no reciprocity agreement developed pursuant to this paragraph or developed using funds provided under this part may lead to the weakening of any State certification or licensing requirement that is shown through evidence-based research to ensure teacher and principal quality and student achievement.

“(5) RECRUITMENT AND RETENTION.—Developing and implementing effective mechanisms to ensure that local educational agencies and schools are able to effectively recruit and retain highly qualified teachers, highly competent early childhood education providers, and principals, and provide access to ongoing professional development opportunities for teachers, early childhood education providers, and principals, including activities described in subsections (d) and (e) of section 204.

“(6) SOCIAL PROMOTION.—Development and implementation of efforts to address the problem of social promotion and to prepare teachers, principals, administrators, and parents to effectively address the issues raised by ending the practice of social promotion.”.

#### SEC. 4. PARTNERSHIP GRANTS.

Section 203 of the Higher Education Act of 1965 (20 U.S.C. 1023) is amended to read as follows:

#### “SEC. 203. PARTNERSHIP GRANTS.

“(a) GRANTS.—From amounts made available under section 211(2) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

“(b) DEFINITIONS.—

“(1) ELIGIBLE PARTNERSHIP.—In this part, the term ‘eligible partnership’ means an entity that—

“(A) shall include—

“(i) a partner institution;

“(ii) a school or department of arts and sciences within the partner institution under clause (i);

“(iii) a school or department of education within the partner institution under clause (i);

“(iv)(I) a department of psychology within the partner institution under clause (i);

“(II) a department of human development within the partner institution under clause (i); or

“(III) a department with comparable expertise in the disciplines of teaching, learning, and child and adolescent development within the partner institution under clause (i);

“(v) a high-need local educational agency; and

“(vi)(I) a high-need school served by the high-need local educational agency under clause (v); or

“(II) a consortium of schools of the high-need local educational agency under clause (v); and

“(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A) (including a community college), a public charter school, other public elementary school or secondary school, a combination or network of urban, suburban, or rural schools, a public or private nonprofit educational organization, a business, a teacher organization, or an early childhood education program.

“(2) PARTNER INSTITUTION.—In this section, the term ‘partner institution’ means a private independent or State-supported public institution of higher education, or a consortium of such institutions, that has not been designated under section 208(a) and the teacher preparation program of which demonstrates that—

“(A) graduates from the teacher preparation program who intend to enter the field of teaching exhibit strong performance on State-determined qualifying assessments and are highly qualified; or

“(B) the teacher preparation program requires all the students of the program to participate in intensive clinical experience, to meet high academic standards, to possess strong teaching skills, and—

“(i) in the case of prospective elementary school and secondary school teachers, to become highly qualified; and

“(ii) in the case of prospective early childhood education providers, to become highly competent.

“(c) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

“(1) contain a needs assessment of all the partners with respect to the preparation, ongoing training, and professional development of early childhood education providers, general and special education teachers, and principals, the extent to which the program prepares new teachers with strong teaching skills, a description of how the partnership will coordinate strategies and activities with

other teacher preparation or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement and parental involvement;

“(2) contain a resource assessment that describes the resources available to the partnership, including the integration of funds from other related sources, the intended use of the grant funds, including a description of how the grant funds will be fairly distributed in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends;

“(3) contain a description of—

“(A) how the partnership will meet the purposes of this part, in accordance with the needs assessment required under paragraph (1);

“(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e) based on the needs identified in paragraph (1) with the goal of improving student achievement;

“(C) the partnership’s evaluation plan pursuant to section 206(b);

“(D) how faculty at the partner institution will work with, over the term of the grant, principals and teachers in the classrooms of the high-need local educational agency included in the partnership;

“(E) how the partnership will enhance the instructional leadership and management skills of principals and provide effective support for principals, including new principals;

“(F) how the partnership will design, implement, or enhance a year-long, rigorous, and enriching preservice clinical program component;

“(G) the in-service professional development strategies and activities to be supported; and

“(H) how the partnership will collect, analyze, and use data on the retention of all teachers, early childhood education providers, or principals in schools located in the geographic areas served by the partnership to evaluate the effectiveness of its educator support system;

“(4) contain a certification from the partnership that it has reviewed the application and determined that the grant proposed will comply with subsection (f);

“(5) include, for the residency program described in subsection (d)(3)—

“(A) a demonstration that the schools and departments within the institution of higher education that are part of the residency program have relevant and essential roles in the effective preparation of teachers, including content expertise and expertise in the science of teaching and learning;

“(B) a demonstration of capability and commitment to evidence-based teaching and accessibility to, and involvement of, faculty documented by professional development offered to staff and documented experience with university collaborations;

“(C) a description of how the residency program will design and implement an induction period to support all new teachers through the first 3 years of teaching in the further development of their teaching skills, including use of mentors who are trained and compensated by such program for their work with new teachers; and

“(D) a description of how faculty involved in the residency program will be able to substantially participate in an early childhood education program or an elementary or secondary classroom setting, including release

time and receiving workload credit for their participation; and

"(6) include an assurance that the partnership has mechanisms in place to measure and assess the effectiveness and impact of the activities to be undertaken, including on student achievement.

"(d) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to carry out the following activities, as applicable to teachers, early childhood education providers, or principals, in accordance with the needs assessment required under subsection (c)(1):

"(1) REFORMS.—Implementing reforms within teacher preparation programs, where needed, to hold the programs accountable for preparing teachers who are highly qualified or early childhood education providers who are highly competent and for promoting strong teaching skills, including integrating reliable evidence-based teaching methods into the curriculum, which curriculum shall include parental involvement training and programs designed to successfully integrate technology into teaching and learning. Such reforms shall include—

"(A) teacher preparation program curriculum changes that improve, and assess how well all new teachers develop, teaching skills;

"(B) use of scientific knowledge about the disciplines of teaching and learning so that all prospective teachers understand evidence-based learning practices and possess teaching skills that enable them to meet the learning needs of all students;

"(C) assurances that all teachers have a sufficient base of scientific knowledge to understand and respond effectively to students with special needs, such as providing instruction to diverse student populations, including students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs;

"(D) assurances that the most recent scientifically based research, including research relevant to particular fields of teaching, is incorporated into professional development activities used by faculty; and

"(E) working with and involving parents in their children's education to improve the academic achievement of their children and in the teacher preparation program reform process.

"(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and providing sustained and high-quality preservice clinical education programs to further develop the teaching skills of all general education teachers and special education teachers, at schools within the partnership, at the school or department of education within the partner institution, or at evidence-based practice school settings. Such programs shall—

"(A) incorporate a year-long, rigorous, and enriching activity or combination of activities, including—

"(i) clinical learning opportunities;

"(ii) field experiences; and

"(iii) supervised practice; and

"(B) be offered over the course of a program of preparation and coursework (that may be developed as a 5th year of a teacher preparation program) for prospective general and special education teachers, including the mentoring in instructional skills, classroom management skills, and strategies to effectively assess student progress and achievement, and substantially increasing closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators at early childhood education programs, elementary schools, or secondary schools, and providing support, in-

cluding preparation time and release time, for such interaction.

"(3) RESIDENCY PROGRAMS FOR NEW TEACHERS.—Creating a residency program that provides an induction period for all new general education and special education teachers for such teachers' first 3 years. Such program shall promote the integration of the science of teaching and learning in the classroom, provide high-quality mentoring opportunities, provide opportunities for the dissemination of evidence-based research on educational practices, and provide for opportunities to engage in professional development activities offered through professional associations of educators. Such program shall draw directly upon the expertise of teacher mentors, faculty, and researchers that involves their active support in providing a setting for integrating evidence-based practice for prospective teachers, including rigorous, supervised training in high-quality teaching settings that promotes the following:

"(A) Knowledge of the scientific research on teaching and learning.

"(B) Development of skills in evidence-based educational interventions.

"(C) Faculty who model the integration of research and practice in the classroom, and the effective use and integration of technology.

"(D) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers on the learning process and the assessment of learning.

"(E) A forum for information sharing among prospective teachers, teachers, principals, administrators, and participating faculty in the partner institution.

"(F) Application of scientifically based research on teaching and learning generated by entities such as the Institute of Education Sciences and by the National Research Council.

"(4) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development for experienced general education and special education teachers, early childhood education providers, principals, administrators, and faculty that—

"(A) improves the academic content knowledge, as well as knowledge to assess student academic achievement and how to use the results of such assessments to improve instruction, of teachers in the subject matter or academic content areas in which the teachers are certified to teach or in which the teachers are working toward certification to teach;

"(B) promotes strong teaching skills and an understanding of how to apply scientific knowledge about teaching and learning to their teaching practice and to their ongoing classroom assessment of students;

"(C) provides mentoring, team teaching, reduced class schedules, and intensive professional development;

"(D) encourages and supports training of teachers, principals, and administrators to effectively use and integrate technology—

"(i) into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability;

"(ii) to enhance learning by children, including students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs; and

"(iii) to effectively communicate, work with, and involve parents in their children's education;

"(E) creates an ongoing retraining loop for experienced teachers, principals, and admin-

istrators, whereby the residency program activities and practices—

"(i) inform the research of faculty and other researchers; and

"(ii) translate evidence-based research findings into improved practice techniques and improved teacher preparation programs; and

"(F) includes the rotation, for varying periods of time, of experienced teachers—

"(i) who are associated with the partnership to early childhood education programs, elementary schools, or secondary schools not associated with the partnership in order to enable such experienced teachers to act as a resource for all teachers in the local educational agency or State; and

"(ii) who are not associated with the partnership to early childhood education programs, elementary schools, or secondary schools associated with the partnership in order to enable such experienced teachers to observe how teaching and professional development occurs in the partnership.

"(5) SUPPORT FOR PARTICIPANTS.—Providing support for those individuals participating in the required activities under paragraphs (1) through (4) who serve as role models or mentors for prospective, new, and experienced teachers, based on such individuals' experience. Such support—

"(A) also may be provided to the preservice clinical experience participants, as appropriate; and

"(B) may include—

"(i) release time for such individual's participation;

"(ii) receiving course workload credit and compensation for time teaching in the partnership activities; and

"(iii) stipends.

"(6) LEADERSHIP AND MANAGERIAL SKILLS.—

"(A) IN GENERAL.—Developing and implementing proven mechanisms to provide principals, superintendents, early childhood education program directors, and administrators (and mentor teachers, as practicable) with—

"(i) an understanding of the skills and behaviors that contribute to effective instructional leadership and the maintenance of a safe and effective learning environment;

"(ii) teaching and assessment skills needed to support successful classroom teaching;

"(iii) an understanding of how students learn and develop in order to increase achievement for all students; and

"(iv) the skills to effectively involve parents.

"(B) MECHANISMS.—The mechanisms developed and implemented pursuant to subparagraph (A) may include any of the following:

"(i) Mentoring of new principals.

"(ii) Field-based experiences, supervised practice, or internship opportunities.

"(iii) Other activities to expand the knowledge base and practical skills of principals, superintendents, early childhood education program directors, and administrators (and mentor teachers, as practicable).

"(e) ALLOWABLE USES OF FUNDS.—An eligible partnership that receives a grant under this section may use such funds to carry out the following activities:

"(1) DISSEMINATION AND COORDINATION.—Broadly disseminating information on effective practices used by the partnership, including teaching strategies and interactive materials for developing skills in classroom management and assessment and how to respond to individual student needs, abilities, and backgrounds, to early childhood education providers and teachers in elementary schools or secondary schools that are not associated with the partnership. Coordinating with the activities of the Governor, State board of education, State higher education

agency, and State educational agency, as appropriate.

"(2) CURRICULUM PREPARATION.—Supporting preparation time for early childhood education providers, teachers in elementary schools or secondary schools, and faculty to jointly design and implement teacher preparation curricula, classroom experiences, and ongoing professional development opportunities that promote the acquisition and continued growth of teaching skills.

"(3) COMMUNICATION SKILLS.—Developing strategies and curriculum-based professional development activities to enhance prospective teachers' communication skills with students, parents, colleagues, and other education professionals.

"(4) COORDINATION WITH OTHER INSTITUTIONS OF HIGHER EDUCATION.—Coordinating with other institutions of higher education, including community colleges, to implement teacher preparation programs that support prospective teachers in obtaining baccalaureate degrees and State certification or licensure.

"(5) TEACHER RECRUITMENT.—Activities described in subsections (d) and (e) of section 204.

"(f) SPECIAL RULE.—No individual member of an eligible partnership shall retain more than 50 percent of the funds made available to the partnership under this section.

"(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than 1 Governor, State board of education, State educational agency, local educational agency, or State agency for higher education."

#### SEC. 5. RECRUITMENT GRANTS.

Section 204 of the Higher Education Act of 1965 (20 U.S.C. 1024) is amended to read as follows:

##### "SEC. 204. RECRUITMENT GRANTS.

"(a) PROGRAM AUTHORIZED.—From amounts made available under section 211(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable the eligible applicants to carry out activities described in subsections (d) and (e).

"(b) ELIGIBLE APPLICANT DEFINED.—In this part, the term 'eligible applicant' means—

"(1) an eligible State described in section 202(b) that has—

"(A) high teacher shortages or turnover rates; or

"(B) high teacher shortages or turnover rates in high-need local educational agencies; or

"(2) an eligible partnership described in section 203(b) that—

"(A) serves not less than 1 high-need local educational agency with high teacher shortages or turnover rates;

"(B) serves schools that demonstrate great difficulty meeting State challenging academic content standards; or

"(C) demonstrates great difficulty meeting the requirement that teachers be highly qualified.

"(c) APPLICATION.—Any eligible applicant desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

"(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical needs of the participating high-need local educational agencies;

"(2) a description of how the eligible applicant will recruit and retain highly qualified teachers or other qualified individuals, in-

cluding principals and early childhood education providers, or both, who are enrolled in, accepted to, or plan to participate in teacher preparation programs or professional development activities, as described under section 203, in geographic areas of greatest need, including data on the retention rate, by school, of all teachers in schools located within the geographic areas served by the eligible applicant;

"(3) a description of the activities the eligible applicant will carry out with the grant; and

"(4) a description of the eligible applicant's plan for continuing the activities carried out with the grant once Federal funding ceases.

"(d) REQUIRED USES OF FUNDS.—An eligible applicant receiving a grant under this section shall use the grant funds—

"(1)(A) to award scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;

"(B) to provide support services, if needed, to enable scholarship recipients to complete postsecondary education programs;

"(C) for followup services (including mentoring and professional development activities) provided to former scholarship recipients during the recipients first 3 years of teaching; and

"(D) in the case where the eligible applicant also receives a grant under section 203, for support for mentor teachers who participate in the residency program; or

"(2) to develop and implement effective mechanisms, including a professional development system and career ladders, to ensure that high-need local educational agencies, high-need schools, and early childhood education programs are able to effectively recruit and retain highly competent early childhood education providers, highly qualified teachers, and principals.

"(e) ALLOWABLE USE OF FUNDS.—An eligible applicant receiving a grant under this section may use the grant funds to carry out the following:

"(1) OUTREACH.—Conducting outreach and coordinating with inner city and rural secondary schools to encourage students to pursue teaching as a career.

"(2) EARLY CHILDHOOD EDUCATION COMPENSATION.—For eligible applicants focusing on early childhood education, implementing initiatives that increase compensation of early childhood education providers who attain degrees in early childhood education.

"(f) SERVICE REQUIREMENTS.—The Secretary shall establish such requirements as the Secretary finds necessary to ensure that recipients of scholarships under this section who complete teacher education programs subsequently teach in a high-need local educational agency, for a period of time equivalent to the period for which the recipients receive scholarship assistance, or repay the amount of the scholarship. The Secretary shall use any such repayments to carry out additional activities under this section."

#### SEC. 6. ADMINISTRATIVE PROVISIONS.

Section 205 of the Higher Education Act of 1965 (20 U.S.C. 1025) is amended—

(1) in subsection (a)—

(A) in the heading, by striking "ONE-TIME AWARDS";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(2) in subsection (b)—

(A) by redesignating paragraph (3) as paragraph (4);

(B) by striking paragraph (2) and inserting the following:

"(2) COMPOSITION OF PANEL.—The peer review panel shall be composed of experts who are competent, by virtue of their training,

expertise, or experience, to evaluate applications for grants under this part. A majority of the panel shall be composed of individuals who are not employees of the Federal Government."

(C) by inserting after paragraph (2) the following:

"(3) EVALUATION AND PRIORITY.—The peer review panel shall evaluate the applicants' proposals to improve the current and future teaching force through program and certification reforms, teacher preparation program activities (including implementation and assessment strategies), and professional development activities described in sections 202, 203, and 204, as appropriate. In recommending applications to the Secretary for funding under this part, the peer review panel shall—

"(A) with respect to grants under section 202, give priority to eligible States that—

"(i) have initiatives to reform State program approval requirements for teacher preparation programs that are designed to ensure that current and future teachers are highly qualified and possess strong teaching skills, knowledge to assess student academic achievement, and the ability to use this information in such teachers' classroom instruction;

"(ii) include innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly qualified and have strong teaching skills; or

"(iii) involve the development of innovative efforts aimed at reducing the shortage of—

"(I) highly qualified teachers in high-poverty urban and rural areas; and

"(II) highly qualified teachers in fields with persistently high teacher shortages, such as special education;

"(B) with respect to grants under section 203—

"(i) give priority to applications from eligible partnerships that involve broad participation within the community, including businesses; and

"(ii) take into consideration—

"(I) providing an equitable geographic distribution of the grants throughout the United States; and

"(II) the potential of the proposed activities for creating improvement and positive change; and

"(C) with respect to grants under section 204, give priority to eligible applicants that have in place, or in progress, articulation agreements between 2- and 4-year public and private institutions of higher education and nonprofit providers of professional development with demonstrated experience in professional development activities."; and

(D) by adding at the end the following:

"(5) PAYMENT OF FEES AND EXPENSES OF CERTAIN MEMBERS.—The Secretary may use available funds appropriated to carry out this part to pay the expenses and fees of peer review panel members who are not employees of the Federal Government."; and

(c) by striking subsection (e) and inserting the following:

"(e) TECHNICAL ASSISTANCE.—For each fiscal year, the Secretary may expend not more than \$500,000 or 0.75 percent of the funds appropriated to carry out this title for such fiscal year, whichever amount is greater, to provide technical assistance to States and partnerships receiving grants under this part."

#### SEC. 7. ACCOUNTABILITY AND EVALUATION.

Section 206 of the Higher Education Act of 1965 (20 U.S.C. 1026) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "Committee on Labor and

Human Resources" and inserting "Committee on Health, Education, Labor, and Pensions";

(B) in paragraph (2), by striking "including," and all that follows through the period and inserting "as a highly qualified teacher";

(C) in paragraph (3)—

(i) by striking "highly"; and

(ii) by striking the period at the end and inserting "that meet the same standards and criteria of State certification or licensure programs";

(D) by striking paragraph (4) and inserting the following:

"(4) **TEACHER AND PROVIDER QUALIFICATIONS.**—

"(A) **ELEMENTARY AND SECONDARY SCHOOL CLASSES.**—Increasing the percentage of elementary school and secondary school classes taught by teachers—

"(i) who are highly qualified;

"(ii) who have completed preparation programs that provide such teachers with the scientific knowledge about the disciplines of teaching, learning, and child and adolescent development so the teachers understand and use evidence-based teaching skills to meet the learning needs of all students; or

"(iii) who have completed a residency program throughout their first 3 years of teaching that includes mentoring by faculty who are trained and compensated for their work with new teachers.

"(B) **EARLY CHILDHOOD EDUCATION PROGRAMS.**—Increasing the percentage of classrooms in early childhood education programs taught by providers who are highly competent.";

(E) by striking paragraph (5) and inserting the following:

"(5) **DECREASING SHORTAGES.**—Decreasing shortages of—

"(A) qualified teachers and principals in poor urban and rural areas; and

"(B) qualified teachers in fields with persistently high teacher shortages, such as special education.";

(F) by striking paragraph (6) and inserting the following:

"(6) **INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.**—Increasing opportunities for enhanced and ongoing professional development that—

"(A) improves—

"(i) the knowledge and skills of early childhood education providers;

"(ii) the knowledge of teachers in special education;

"(iii) the knowledge and skills to assess student academic achievement and use the results of such assessments to improve instruction; or

"(iv) the knowledge of subject matter or academic content areas—

"(I) in which the teachers are certified or licensed to teach; or

"(II) in which the teachers are working toward certification or licensure to teach;

"(B) promotes strong teaching skills and an understanding of how to apply scientific knowledge about teaching and learning to teachers' teaching practice and to teachers' ongoing classroom assessment of students; and

"(C) provides enhanced instructional leadership and management skills for principals.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "for" and inserting "for teachers, early childhood education providers, or principals, as appropriate, according to the needs analysis required under section 203(c)(1), for"; and

(B) by striking paragraphs (1) through (6) and inserting the following:

"(1) increased demonstration by program graduates of teaching skills grounded in scientific knowledge about the disciplines of teaching and learning;

"(2) increased student achievement for all students as measured by the partnership, including mechanisms to measure student achievement due to the specific activities conducted by the partnership;

"(3) increased teacher retention in the first 3 years of a teacher's career based, in part, on teacher retention data collected as described in section 203(c)(3)(H);

"(4) increased success in the pass rate for initial State certification or licensure of teachers;

"(5) increased percentage of elementary school and secondary school classes taught by teachers who are highly qualified;

"(6) increased percentage of early childhood education program classes taught by providers who are highly competent;

"(7) increased percentage of early childhood education programs and elementary school and secondary school classes taught by providers and teachers who demonstrate clinical judgment, communication, and problem-solving skills resulting from participation in a residency program;

"(8) increased percentage of qualified special education teachers;

"(9) increased number of general education teachers trained in working with students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs;

"(10) increased number of teachers trained in technology; and

"(11) increased number of teachers, early childhood education providers, or principals prepared to work effectively with parents.";

(3) in subsection (d)—

(A) by inserting "with particular attention to the reports and evaluations provided by the eligible States and eligible partnerships pursuant to this section," after "funded under this part"; and

(B) by striking "Committee on Labor and Human Resources" and inserting "Committee on Health, Education, Labor, and Pensions".

#### **SEC. 8. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.**

Section 207 of the Higher Education Act of 1965 (20 U.S.C. 1027) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively;

(3) in subsection (a), as redesignated by paragraph (2)—

(A) in the matter preceding paragraph (1), by striking "within 2 years" and all that follows through "the following" and inserting "on an annual basis and in a uniform and comprehensible manner that conforms with the definitions and reporting methods previously developed for teacher preparation programs by the Commissioner of the National Center for Education Statistics, a State report card on the quality of teacher preparation in the State, which shall include not less than the following";

(B) in paragraph (4)—

(i) by striking "teaching candidates" and inserting "prospective teachers"; and

(ii) by striking "candidate" and inserting "prospective teacher";

(C) in paragraph (5)—

(i) by striking "teaching candidates" and inserting "prospective teachers";

(ii) by striking "teacher candidate" and inserting "prospective teacher"; and

(iii) by striking "candidate's" and inserting "teacher's";

(D) in paragraph (7), by inserting "how the State has ensured that the alternative cer-

tification routes meet the same State standards and criteria for teacher certification or licensure," after "if any";

(E) in paragraph (8)—

(i) by striking "teacher candidate" and inserting "prospective teacher"; and

(ii) by inserting "(including the ability to provide instruction to diverse student populations, including students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs)" after "skills";

(F) by adding at the end the following:

"(10) Information on the extent to which teachers or prospective teachers in each State are prepared to work in partnership with parents and involve parents in their children's education.";

(4) in subsection (b)(1), as redesignated by paragraph (2)—

(A) by striking "not later than 6 months of the date of enactment of the Higher Education Amendments of 1998 and";

(B) by striking "subsection (b)" and inserting "subsection (a)";

(C) by striking "Committee on Labor and Human Resources" and inserting "Committee on Health, Education, Labor, and Pensions"; and

(D) by striking "not later than 9 months after the date of enactment of the Higher Education Amendments of 1998";

(5) in subsection (c)(1), as redesignated by paragraph (2)—

(A) by striking "(9) of subsection (b)" and inserting "(10) of subsection (a)"; and

(B) by striking "and made available not later than 2 years 6 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter" and inserting "and made available annually"; and

(6) in subsection (e)(1), as redesignated by paragraph (2)—

(A) by striking "not later than 18 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter, shall report" and inserting "shall report annually"; and

(B) by striking "methods established under subsection (a)" and inserting "reporting methods developed for teacher preparation programs".

#### **SEC. 9. STATE FUNCTIONS.**

Section 208 of the Higher Education Act of 1965 (20 U.S.C. 1028) is amended—

(1) in subsection (a)—

(A) by striking "not later than 2 years after the date of enactment of the Higher Education Amendments of 1998";

(B) by inserting "and within entities providing alternative routes to teacher preparation" after "institutions of higher education";

(C) by inserting "and entities" after "low-performing institutions";

(D) by inserting "and entities" after "those institutions"; and

(E) by striking "207(b)" and inserting "207(a)";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

"(b) **TEACHER QUALITY PLAN.**—In order to receive funds under this Act, a State shall submit a State teacher quality plan that—

"(1) details how such funds will ensure that all teachers are highly qualified; and

"(2) indicates whether each teacher preparation program in the State that has not been designated as low-performing under subsection (a) is of sufficient quality to meet all State standards and produce highly qualified teachers with the teaching skills needed to teach effectively in the schools of the State.";



(4) in subsection (c), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking “of Education”; and

(B) in paragraph (2), by striking “of this Act”; and

(5) in subsection (d), as redesignated by paragraph (2), by striking “subsection (b)(2)” and inserting “subsection (c)(2)”.

#### SEC. 10. ACADEMIES FOR FACULTY EXCELLENCE.

Part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended—

(1) by redesignating section 210 as section 211; and

(2) by inserting after section 209 the following:

#### “SEC. 210. ACADEMIES FOR FACULTY EXCELLENCE.

“(a) PROGRAM AUTHORIZED.—From amounts made available under subsection (e), the Secretary is authorized to award grants to eligible entities to enable such entities to create Academies for Faculty Excellence.

“(b) ELIGIBLE ENTITY.—In this section:

“(1) IN GENERAL.—The term ‘eligible entity’ means a consortium composed of institutions of higher education that—

“(A) award doctoral degrees in education; and

“(B) are partner institutions (as such term is defined in section 203).

“(2) INCLUSIONS.—The term ‘eligible entity’ may include the following:

“(A) Institutions of higher education that—

“(i) do not award doctoral degrees in education; and

“(ii) are partner institutions (as such term is defined in section 203).

“(B) Nonprofit entities with expertise in preparing highly qualified teachers.

“(c) APPLICATION.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a description of how the eligible entity will provide professional development that is grounded in scientifically based research to faculty;

“(2) evidence that the eligible entity is well versed in current scientifically based research related to teaching and learning across content areas and fields;

“(3) a description of the assessment that the eligible entity will undertake to determine the most critical needs of the faculty who will be served by the Academies for Faculty Excellence; and

“(4) a description of the activities the eligible entity will carry out with grant funds received under this section, how the entity will include faculty in the activities, and how the entity will conduct these activities in collaboration with programs and projects that receive Federal funds from the Institute of Education Sciences.

“(d) REQUIRED USE OF FUNDS.—Each eligible entity that receives a grant under this section shall use the grant funds to enhance the caliber of teaching undertaken in preparation programs for teachers, early childhood education providers, and principals and other administrators through the establishment and maintenance of a postdoctoral system of professional development by carrying out the following:

“(1) RECRUITMENT.—Recruit a faculty of experts who are knowledgeable about scientifically based research related to teaching and learning, who have direct experience working with teachers and students in school settings, who are capable of implementing scientifically based research to im-

prove teaching practice and student achievement in school settings, and who are capable of providing professional development to faculty and others responsible for preparing teachers, early childhood education providers, principals, and administrators.

“(2) PROFESSIONAL DEVELOPMENT CURRICULA.—Develop a series of professional development curricula to be used by the Academies for Faculty Excellence and disseminated broadly to teacher preparation programs nationwide.

“(3) PROFESSIONAL DEVELOPMENT EXPERIENCES.—Support the development of a range of ongoing professional development experiences (including the use of the Internet) for faculty to ensure that such faculty are knowledgeable about effective evidence-based practice in teaching and learning. Such experiences shall promote joint faculty activities that link content and pedagogy.

“(4) DEVELOPMENT PROGRAMS.—Provide fellowships, scholarships, and stipends for teacher educators to participate in various faculty development programs offered by the Academies for Faculty Excellence.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2005 and such sums as may be necessary for each of the 5 succeeding fiscal years.”.

#### SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 211 of the Higher Education Act of 1965, as redesignated by section 10, is amended—

(1) by striking “part \$300,000,000 for fiscal year 1999” and inserting “part, other than section 210, \$500,000,000 for fiscal year 2005”;

(2) by striking “4 succeeding” and inserting “5 succeeding”;

(3) in paragraph (1), by striking “45” and inserting “20”;

(4) in paragraph (2), by striking “45” and inserting “60”; and

(5) in paragraph (3), by striking “10” and inserting “20”.

By Mr. REID (for himself, Mr. CHAFEE, Mrs. BOXER, Mrs. MURRAY, Mrs. CLINTON, Mr. CORZINE, and Mr. LAUTENBERG):

S. 2336. A bill to expand access to preventive health care services and education programs that help reduce unintended pregnancy, reduce infection with sexually transmitted disease, and reduce the number of abortions; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I introduce a bill on behalf of myself, Mr. CHAFEE, Mrs. BOXER, Mrs. MURRAY, Mrs. CLINTON, Mr. CORZINE, and Mr. LAUTENBERG.

We are very fortunate to live in a democratic nation where we can express our opinions freely. That is what America is all about. We can attempt to influence the policies of our Government and even criticize them without fear of retaliation. We can debate important issues without fear of retaliation by anyone.

One of the most heated debates in the last two decades has been the issue of abortion. People on both sides of the issue feel extremely strong. They have argued, demonstrated, and protested with much emotion and passion. The issue is not going to go away soon. I doubt that one side will be able to suddenly convince the other to drop its deeply held beliefs.

However, there is a need and even an opportunity to find common ground. We can move toward a goal we all share, reducing the number of unintended pregnancies in America. It is possible. And it is necessary to come together and enact effective legislation to prevent unintended pregnancies, reduce the number of abortions performed in this country, and address the unmet health care needs of American women.

We can only find common ground by being honest with each other. We can find not only common ground but also common sense solutions in this legislation which I am introducing entitled “Putting Prevention First.” I am pleased that Senators CHAFEE, BOXER, MURRAY, CORZINE and LAUTENBERG are joining me as cosponsors of this legislation.

The Putting Prevention First Act will help reduce the staggering rates of unintended pregnancies in America. It will reduce the rate of infection with sexually transmitted diseases, reduce the number of abortions, and improve access to health care for women.

Specifically, the Putting Prevention First Act will: No. 1, end insurance discrimination against women; No. 2, improve awareness and understanding of emergency contraception; No. 3, ensure that rape victims have information about emergency contraception and access to emergency contraception; No. 4, increase funding for the National Family Planning Program; No. 5, provide funding to allow States to implement a comprehensive approach to sexuality education that includes information about both abstinence and contraception; No. 6, expands teen pregnancy prevention programs; and, No. 7 allows States to expand Medicaid family planning services to low-income women without having to apply for a waiver from the Federal Government.

Nationwide, about one-half of all pregnancies are unintended and half of those end in abortion. This is not just a health problem; it is a public health tragedy. But it does not have to be this way. Most of the unintended pregnancies and resulting abortions can be prevented. We must work together to make that happen, we can find a common ground.

One of the most important steps we can take to prevent unintended pregnancies is ensuring that American women have access to affordable, effective contraception.

I have been on national radio call-in shows and talked about legislation I have worked on with Senator SNOWE for so many years to provide for contraceptive equity. One time, a woman called and said: I don't believe in contraception. Well, my simple answer to her was: Then don't use them. But don't prevent others who have different beliefs from having the ability to use these contraceptives.

Today, numerous forms of safe and highly effective contraception are



available by prescription. If used correctly, they could greatly reduce the rate of unintended pregnancies.

One of the greatest obstacles to the use of prescription contraceptives by American women is their cost. Women are educated. They know that they work. They simply do not have the money.

Again, on a radio program, a woman called in and said: I have diabetes. I am pregnant. I didn't want to become pregnant. It is not good for me. She said: But my husband's insurance doesn't cover the pill.

It is amazing, but many insurance policies do not cover prescription contraceptives for women. But they do automatically cover tubal ligations, vasectomies, abortions, and other such things that are much more expensive than prescription contraception.

Now, we have made progress. Federal Employees have access to prescription contraception through the Federal Employees Health Benefits Program. But we shouldn't limit this benefit to just federal employees.

We know that women on average earn less than men, and yet they must pay far more than men for health-related expenses. According to the Women's Research and Education Institute, women of reproductive age pay 68 percent more in out-of-pocket costs for medical expenses than men, and, of course, that is largely due to their reproductive health care needs.

Because many women cannot afford the prescription contraceptives they would like to use, many go without. Far too often, this results in unintended pregnancies.

The high cost of prescription contraceptives is not just a problem for the millions of women without health insurance, but also for millions of American women who do have health insurance because many insurance plans that cover prescription drugs do not cover contraceptives. So women are forced to either do without contraceptives or pay for them out of pocket and, as I have given an example or two, many families simply cannot afford it. This is unfair to women and their families and it is a bad policy because it causes additional unintended pregnancies and adversely affects the health of women.

Since 1997, Senator OLYMPIA SNOWE and I have worked to remedy this problem. Today, as part of the Putting Prevention First Act, I am again proposing common-sense legislation that has received bipartisan support.

The Equity in Prescription Insurance and Contraceptive Coverage Act—EPICCC, as we call it—requires insurance plans that cover prescription drugs to provide the same coverage for prescription contraceptives. We are not asking for special treatment, only equitable treatment within the context of an existing prescription drug benefit. This legislation is simply the fair thing to do for women.

And making contraception more affordable and more available will enable

more women to use safe and effective means to prevent unintended pregnancies. As I said, it is a goal we all share.

Contraceptive coverage is much cheaper than other services, including, as I have said, abortions, sterilizations, and tubal ligations that insurance companies routinely cover. The Federal Employee Health Benefits Program, which has provided contraceptive coverage for several years because of an amendment offered on this floor, has proved that adding such coverage does not increase the cost of a plan.

This commonsense, cost-effective legislation is long overdue. Promoting equity in health insurance coverage for American women, while working to prevent unintended pregnancies and improve the health of women, is by any means the right thing to do.

We should also take additional steps that would improve access to women's health care for poor and low-income women. Public health programs such as Medicaid and title X provide high-quality family planning services and other preventive health care to underinsured or uninsured individuals. Yet these programs are struggling to meet the growing demand for subsidized family planning services without corresponding increases in funding.

The Putting Prevention First legislation would increase the authorization for title X, and it would allow States to expand Medicaid family planning services to women with incomes of up to 200 percent of the Federal poverty level without having to apply to the Federal Government for a waiver.

This commonsense approach has long been championed by Senator LINCOLN CHAFEE. My friend and cosponsor of this legislation knows that contraceptive use saves scarce public health dollars. Every \$1 spent on providing family planning services saves an estimated \$3 in expenditures for pregnancy-related and newborn care for Medicaid alone.

The Putting Prevention First Act would increase the awareness and availability of emergency contraception, an important yet poorly understood form of contraception. Approved for use by the Food and Drug Administration, emergency contraception pills work to prevent pregnancy, and they cannot disrupt or interrupt an established pregnancy. The emergency contraception pills work to prevent pregnancy, not to interrupt and disrupt a pregnancy. The availability of emergency contraception is very important for women who survive a sexual assault.

I can remember a young woman who worked for me, a teenager. She came to me and said: Could I see you in your office?

I said: Sure. What is the matter?

She said: I was jumped.

She was driving through a part of town alone. Some people pulled her car over and they raped her. I sent her to another friend of mine who is an OB/GYN.

It is difficult to imagine the physical, psychological, and emotional pain endured by a woman who is raped. In addition to the violent attack, she must also worry about the possibility she could become pregnant.

The availability of emergency contraception is important for women who survive a sexual assault. A woman could use emergency contraception in an emergency, such as if she has been raped and doesn't want to become pregnant.

Compassion is a word we have heard a lot from political leaders in recent years. Actions speak louder than words. Surely it would be compassionate to make emergency contraception available to a woman who is raped so she doesn't become impregnated by the thug who brutalized and traumatized her.

The Putting Prevention First Act includes a provision that has been advocated by Senators CORZINE and MURRAY. This provision would require hospitals receiving Federal health dollars to provide information about emergency contraception and make it available to sexual assault survivors who are treated in the emergency room. Simply put, emergency contraception should be made available in an emergency room.

Emergency contraception and emergency rooms go hand in hand. Women who are the victims of rape should be informed of all their options, including emergency contraception.

If they choose that option, it should be available to them right then.

Emergency contraception has been studied extensively and is regarded as a safe and effective method to prevent unintended pregnancies. Its use has been recommended by leading medical authorities, including the American Medical Association and the American College of Obstetricians and Gynecologists. It has been approved by the Food and Drug Administration. An FDA advisory panel has recommended emergency contraception be made available without a prescription. This could prevent 1.7 million unintended pregnancies and 800,000 abortions in America each year.

Unfortunately, however, emergency contraception remains for the most part a well-kept secret. Most of the women who would use this to prevent an unintended pregnancy are unaware of its existence, and they don't know it is available, if it is available. Even many health care providers do not understand what emergency contraception is, how it works, and who can use it.

To reduce unintended pregnancies by raising awareness about emergency contraception, the Putting Prevention First Act includes a provision championed by Senator MURRAY that will provide funding to develop and distribute information about emergency contraception to public health organizations, health care providers, and the public. I commend Senator MURRAY and appreciate her allowing me to include this in my legislation.

These are some of the simple but necessary steps we can and should take to prevent unintended pregnancies. We should embrace these measures to protect the health of American women, prevent unintended pregnancies, and reduce abortion. It is time to put prevention first.

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. 2336

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

# SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Putting Prevention First Act".

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

## TITLE I—TITLE X OF PUBLIC HEALTH SERVICE ACT

Sec. 101. Short title.

Sec. 102. Authorization of appropriations.

## TITLE II—FAMILY PLANNING STATE EMPOWERMENT

Sec. 201. Short title.

Sec. 202. State option to provide family planning services and supplies to additional low-income individuals.

Sec. 203. State option to extend the period of eligibility for provision of family planning services and supplies.

## TITLE III—EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE

Sec. 301. Short title.

Sec. 302. Amendments to Employee Retirement Income Security Act of 1974.

Sec. 303. Amendments to Public Health Service Act relating to the group market.

Sec. 304. Amendment to Public Health Service Act relating to the individual market.

## TITLE IV—EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION

Sec. 401. Short title.

Sec. 402. Emergency contraception education and information programs.

## TITLE V—COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

Sec. 501. Short title.

Sec. 502. Survivors of sexual assault; provision by hospitals of emergency contraceptives without charge.

## TITLE VI—FAMILY LIFE EDUCATION

Sec. 601. Short title.

Sec. 602. Findings.

Sec. 603. Assistance to reduce teen pregnancy, HIV/AIDS, and other sexually transmitted diseases and to support healthy adolescent development.

Sec. 604. Sense of Congress.

Sec. 605. Evaluation of programs.

Sec. 606. Definitions.

Sec. 607. Appropriations.

## TITLE VII—TEENAGE PREGNANCY PREVENTION

Sec. 701. Short title.

Sec. 702. Teenage pregnancy prevention.

## SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Although the Centers for Disease Control and Prevention ("CDC") included family planning in its published list of the "Ten Great Public Health Achievements in the 20th Century", the United States still has one of the highest rates of unintended pregnancies among industrialized nations.

(2) Each year, three million pregnancies, nearly half of all pregnancies, in the United States are unintended; and half of unintended pregnancies end in abortion.

(3) In 2000, 34 million women—half of all women of reproductive age (ages 15–44)—were in need of contraceptive services and supplies to help prevent unintended pregnancy, and half of those were in need of public support for such care.

(4) The United States also has the highest rate of infection with sexually transmitted diseases ("STDs") of any industrialized country: in 2000 there were approximately 18.9 million new cases of STDs.

(5) Increasing access to family planning services will improve women's health and reduce the rates of unintended pregnancy, abortion, and infection with STDs. Contraceptive use saves public health dollars: every dollar spent on providing family planning services, saves an estimated \$3 in expenditures for pregnancy-related and newborn care for Medicaid alone.

(6) Contraception is basic health care that improves the health of women and children by enabling women to plan and space births.

(7) Women experiencing unintended pregnancy are at greater risks for physical abuse and women having closely spaced births are at greater risk of maternal death.

(8) The child born from an unintended pregnancy is at greater risk of low birth weight, dying in the first year of life, being abused, and not receiving sufficient resources for healthy development.

(9) The ability to control fertility also allows couples to achieve economic stability by facilitating greater educational achievement and participation in the workforce.

(10) The average American woman desires two children and spends five years of her life pregnant or trying to get pregnant and roughly 30 years trying to prevent pregnancy; without contraception, a sexually active woman has an 85 percent chance of becoming pregnant within a year.

(11) Many poor and low-income women cannot afford to purchase contraceptive services and supplies on their own. 12.1 million or 20 percent of all women aged 15–24 were uninsured in 2002, and that proportion has increased by 10 percent since 1999.

(12) Public health programs like Medicaid and Title X, the national family planning program, provide high-quality family planning services and other preventive health care to underinsured or uninsured individuals who may otherwise lack access to health care.

(13) Medicaid is the single largest source of public funding for family planning services and HIV/AIDS care in the United States. Half of all public dollars spent on contraceptive services and supplies in the United States are provided through Medicaid and approximately 5.5 million women of reproductive age—nearly one in ten women between the ages of 15 and 44—rely on Medicaid for their basic health care needs.

(14) Each year, Title X services enable Americans to prevent approximately one million unintended pregnancies, and one in three women of reproductive age who obtains testing or treatment for STDs does so at a Title X-funded clinic. In 2002, Title X-funded clinics provided three million Pap tests, 5.2 million STD tests, and 494,000 HIV tests.

(15) The increasing number of uninsured, stagnant funding, health care inflation, new and expensive contraceptive technologies, and improved but expensive screening and treatment for cervical cancer and STDs, have diminished the ability of Title X funded clinics to adequately serve all those in need. Taking inflation into account, funding for the Title X program declined 57 percent between 1980 and 2003.

(16) While Medicaid is the largest source of subsidized family planning services, many States have had to make significant cuts in their Medicaid programs due to budget pressures putting many women at risk of losing coverage for family planning services.

(17) In addition, eligibility for Medicaid in many States is severely restricted leaving family planning services financially out of reach for many poor women. Many States have demonstrated tremendous success with Medicaid family planning waivers that allow them to expand access to Medicaid family planning services. However, the administrative burden of applying for a waiver poses a significant barrier to States that would like to expand their Medicaid family planning programs.

(18) Many private health plans still do not cover contraceptive services and supplies. The lack of contraceptive coverage in health insurance plans places many effective forms of contraception beyond the financial reach of many women.

(19) Including contraceptive coverage in private health care plans saves employers money: not covering contraceptives in employee health plans costs employers 15 to 17 percent more than providing such coverage.

(20) Emergency contraception is a safe and effective way to prevent unintended pregnancy after unprotected sex. It is estimated that the use of emergency contraception could cut the number of unintended pregnancies in half, thereby reducing the need for abortion.

(21) In 2000, 51,000 abortions were prevented by use of emergency contraception; increased use of emergency contraception accounted for up to 43 percent of the total decline in abortions between 1994 and 2000.

(22) Access to comprehensive sex education is critical to reducing rates of unintended pregnancy, abortion, and STD infection among teens. Over 60 percent of teens have had sex before they graduate from high school and nine out of ten people have sex before they get married. 822,000 teenagers become pregnant each year; 35 percent of teen girls become pregnant at least once before turning 20; and 78 percent of teenage pregnancies are unintended. Nearly half (48 percent) of new STD cases are among people ages 15–24, even though these youth make up only a quarter of the sexually active population.

(23) The American Medical Association, the American Nurses Association, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Public Health Association, and the Society for Adolescent Medicine, support responsible sexuality education that includes information about both abstinence and contraception.

(24) Comprehensive sex education protects adolescent health. A recent survey found that only 15 percent of American parents believe that schools should just teach about abstinence.

(25) A recent study showed that teens who took pledges to remain virgins until marriage were just as likely to contract STDs as teens who did not take virginity pledges and that although teens taking the pledges delayed sexual debut, they were less likely to use condoms once they were sexually active.

(26) Teens who receive sex education that includes discussion of contraception are more likely than those who receive abstinence-only messages to delay sex and to have fewer partners and use contraceptives when they do become sexually active.

# **TITLE I—TITLE X OF PUBLIC HEALTH SERVICE ACT**

## **SEC. 101. SHORT TITLE.**

This Act may be cited as the "Title X Family Planning Services Act of 2004".

## **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

For the purpose of making grants and contracts under section 1001 of the Public Health Service Act, there are authorized to be appropriated \$643,000,000 for fiscal year 2005, and such sums as may be necessary for each subsequent fiscal year.

# **TITLE II—FAMILY PLANNING STATE EMPOWERMENT**

## **SEC. 201. SHORT TITLE.**

This Act may be cited as the "Family Planning State Empowerment Act".

## **SEC. 202. STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO ADDITIONAL LOW-INCOME INDIVIDUALS.**

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1935 as section 1936; and

(2) by inserting after section 1934 the following:

"STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO ADDITIONAL LOW-INCOME INDIVIDUALS

"SEC. 1935.

"(a) IN GENERAL.—A State may elect (through a State plan amendment) to make medical assistance described in section 1905(a)(4)(C) available to any individual not otherwise eligible for such assistance—

"(1) whose family income does not exceed an income level (specified by the State) that does not exceed the greatest of—

"(A) 200 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved;

"(B) in the case of a State that has in effect (as of the date of the enactment of this section) a waiver under section 1115 to provide such medical assistance to individuals based on their income level (expressed as a percent of the poverty line), the eligibility income level as provided under such waiver; or

"(C) the eligibility income level (expressed as a percent of such poverty line) that has been specified under the plan (including under section 1902(r)(2)), for eligibility of pregnant women for medical assistance; and

"(2) at the option of the State, whose resources do not exceed a resource level specified by the State, which level is not more restrictive than the resource level applicable under the waiver described in paragraph (1)(B) or to pregnant women under paragraph (1)(C).

"(b) FLEXIBILITY.—A State may exercise the authority under subsection (a) with respect to one or more classes of individuals described in such subsection."

(b) CONFORMING AMENDMENT.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended, in the matter before paragraph (1)—

(1) by striking "and" at the end of clause (xii);

(2) by adding "and" at the end of clause (xiii); and

(3) by inserting after clause (xiii) the following new clause:

"(xiv) individuals described in section 1935, but only with respect to items and services described in paragraph (4)(C)."

(c) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance provided on and after October 1, 2004.

## **SEC. 203. STATE OPTION TO EXTEND THE PERIOD OF ELIGIBILITY FOR PROVISION OF FAMILY PLANNING SERVICES AND SUPPLIES.**

(a) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following new paragraph:

"(13) At the option of a State, the State plan may provide that, in the case of an individual who was eligible for medical assistance described in section 1905(a)(4)(C), but who no longer qualifies for such assistance because of an increase in income or resources or because of the expiration of a post-partum period, the individual may remain eligible for such assistance for such period as the State may specify, but the period of extended eligibility under this paragraph shall not exceed a continuous period of 24 months for any individual. The State may apply the previous sentence to one or more classes of individuals and may vary the period of extended eligibility with respect to different classes of individuals."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2004.

## **TITLE III—EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE**

### **SEC. 301. SHORT TITLE.**

This Act may be cited as the "Equity in Prescription Insurance and Contraceptive Coverage Act".

### **SEC. 302. AMENDMENTS TO 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 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

#### **"SEC. 714. 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 or coverage provides benefits for other outpatient prescription drugs or devices; or

"(2) exclude or restrict benefits for outpatient contraceptive services if such plan or coverage 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 profes-

sional 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 or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug shall be consistent with those imposed for other outpatient prescription drugs otherwise covered under the plan or coverage;

"(ii) benefits for contraceptive devices under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device shall be consistent with those imposed for other outpatient prescription devices otherwise covered under the plan or coverage; and

"(iii) benefits for outpatient contraceptive services under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service shall be consistent with those imposed for other outpatient health care services otherwise covered under the plan or coverage;

"(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; or

"(C) as modifying, diminishing, or limiting the rights or protections of an individual under any other Federal law.

"(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 coverage or protections for participants or beneficiaries that are greater than the coverage or 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 the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001) is amended by inserting after the item relating to section 713 the following:

“Sec. 714. 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, 2005.

#### SEC. 303. AMENDMENTS TO 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 (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

##### “SEC. 2707. 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 or coverage provides benefits for other outpatient prescription drugs or devices; or

“(2) exclude or restrict benefits for outpatient contraceptive services if such plan or coverage 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 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 or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug shall be consistent with those imposed for other outpatient prescription drugs otherwise covered under the plan or coverage;

“(ii) benefits for contraceptive devices under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device shall be consistent with those imposed for other outpatient prescription devices otherwise covered under the plan or coverage; and

“(iii) benefits for outpatient contraceptive services under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service shall be consistent with those imposed for other outpatient health care services otherwise covered under the plan or coverage;

“(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; or

“(C) as modifying, diminishing, or limiting the rights or protections of an individual under any other Federal law.

“(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 714(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 coverage or protections for enrollees that are greater than the coverage or 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, 2005.

#### SEC. 304. AMENDMENT TO PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) IN GENERAL.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following:

##### “SEC. 2753. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

“The provisions of section 2707 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, 2005.

#### TITLE IV—EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION

##### SEC. 401. SHORT TITLE.

This Act may be cited as the “Emergency Contraception Education Act”.

##### SEC. 402. EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION PROGRAMS.

(a) DEFINITIONS.—For purposes of this section:

(1) EMERGENCY CONTRACEPTION.—The term “emergency contraception” 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)) or a drug regimen that is—

(A) used after sexual relations; and

(B) prevents 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 an individual who is licensed or certified under State law to provide health care services and who is operating within the scope of such license.

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

(4) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(b) EMERGENCY CONTRACEPTION PUBLIC EDUCATION PROGRAM.—

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

(2) DISSEMINATION.—The Secretary may disseminate information under paragraph (1) directly or through arrangements with non-profit organizations, consumer groups, institutions of higher education, Federal, State, or local agencies, clinics and the media.

(3) INFORMATION.—The information disseminated under paragraph (1) shall include, at a minimum, a description of emergency contraception, and an explanation of the use, safety, efficacy, and availability of such contraception.

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

(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with major medical and public health organizations, shall develop and disseminate to health care providers information on emergency contraception.

(2) INFORMATION.—The information disseminated under paragraph (1) shall include, at a minimum—

(A) information describing the use, safety, efficacy and availability of emergency contraception;

(B) a recommendation regarding the use of such contraception 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 \$10,000,000 for each of the fiscal years 2005 through 2009.

#### **TITLE V—COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES**

##### **SEC. 501. SHORT TITLE.**

This Act may be cited as the “Compassionate Assistance for Rape Emergencies Act”.

##### **SEC. 502. SURVIVORS OF SEXUAL ASSAULT; PROVISION BY HOSPITALS OF EMERGENCY CONTRACEPTIVES WITHOUT CHARGE.**

(a) IN GENERAL.—Federal funds may not be provided to a hospital under any health-related program, unless the hospital meets the conditions specified in subsection (b) in the case of—

(1) any woman who presents at the hospital and states that she is a victim of sexual assault, or is accompanied by someone who states she is a victim of sexual assault; and

(2) any woman who presents at the hospital whom hospital personnel have reason to believe is a victim of sexual assault.

(b) ASSISTANCE FOR VICTIMS.—The conditions specified in this subsection regarding a hospital and a woman described in subsection (a) are as follows:

(1) The hospital promptly provides the woman with medically and factually accurate and unbiased written and oral information about emergency contraception, including information explaining that—

(A) emergency contraception does not cause an abortion; and

(B) emergency contraception is effective in most cases in preventing pregnancy after unprotected sex.

(2) The hospital promptly offers emergency contraception to the woman, and promptly provides such contraception to her on her request.

(3) The information provided pursuant to paragraph (1) is in clear and concise language, is readily comprehensible, and meets such conditions regarding the provision of the information in languages other than English as the Secretary may establish.

(4) The services described in paragraphs (1) through (3) are not denied because of the inability of the woman or her family to pay for the services.

(c) DEFINITIONS.—For purposes of this section:

(1) The term “emergency contraception” means a drug, drug regimen, or device that is—

(A) used postcoitally;

(B) prevents pregnancy by delaying ovulation, preventing fertilization of an egg, or preventing implantation of an egg in a uterus; and

(C) is approved by the Food and Drug Administration.

(2) The term “hospital” has the meanings given such term in title XVIII of the Social Security Act, including the meaning applicable in such title for purposes of making payments for emergency services to hospitals that do not have agreements in effect under such title.

(3) The term “Secretary” means the Secretary of Health and Human Services.

(4) The term “sexual assault” means coitus in which the woman involved does not consent or lacks the legal capacity to consent.

(d) EFFECTIVE DATE; AGENCY CRITERIA.—This section takes effect upon the expiration of the 180-day period beginning on the date of enactment of this Act. Not later than 30 days prior to the expiration of such period, the Secretary shall publish in the Federal Register criteria for carrying out this section.

#### **TITLE VI—FAMILY LIFE EDUCATION**

##### **SEC. 601. SHORT TITLE.**

This Act may be cited as the “Family Life Education Act”.

##### **SEC. 602. FINDINGS.**

The Congress finds as follows:

(1) The American Medical Association (“AMA”), the American Nurses Association (“ANA”), the American Academy of Pediatrics (“AAP”), the American College of Obstetricians and Gynecologists (“ACOG”), the American Public Health Association (“APHA”), and the Society of Adolescent Medicine (“SAM”), support responsible sexuality education that includes information about both abstinence and contraception.

(2) Recent scientific reports by the Institute of Medicine, the American Medical Association and the Office on National AIDS Policy stress the need for sexuality education that includes messages about abstinence and provides young people with information about contraception for the prevention of teen pregnancy, HIV/AIDS and other sexually transmitted diseases (“STDs”).

(3) Research shows that teenagers who receive sexuality education that includes discussion of contraception are more likely than those who receive abstinence-only messages to delay sexual activity and to use contraceptives when they do become sexually active.

(4) Comprehensive sexuality education programs respect the diversity of values and beliefs represented in the community and will complement and augment the sexuality education children receive from their families.

(5) The median age of puberty is 13 years and the average age of marriage is over 26 years old. American teens need access to full, complete, and medically and factually accurate information regarding sexuality, including contraception, STD/HIV prevention, and abstinence.

(6) Although teen pregnancy rates are decreasing, there are still between 750,000 and 850,000 teen pregnancies each year. Between 75 and 90 percent of teen pregnancies among 15- to 19-year olds are unintended.

(7) Research shows that 75 percent of the decrease in teen pregnancy between 1988 and 1995 was due to improved contraceptive use, while 25 percent was due to increased abstinence.

(8) More than eight out of ten Americans believe that young people should have information about abstinence and protecting themselves from unplanned pregnancies and sexually transmitted diseases.

(9) United States teens acquire an estimated 4,000,000 sexually transmitted infections each year. By age 24, at least one in three sexually active people will have contracted a sexually transmitted disease.

(10) An average of two young people in the United States are infected with HIV every hour of every day. African Americans and Hispanic youth have been disproportionately affected by the HIV/AIDS epidemic. Although less than 16 percent of the adolescent population in the United States is African American, nearly 50 percent of AIDS cases through June 2000 among 13- to 19-year olds were among Blacks. Hispanics comprise 13 percent of the population and 20 percent of the reported adolescent AIDS cases through June 2000.

##### **SEC. 603. ASSISTANCE TO REDUCE TEEN PREGNANCY, HIV/AIDS, AND OTHER SEXUALLY TRANSMITTED DISEASES AND TO SUPPORT HEALTHY ADOLESCENT DEVELOPMENT.**

(a) IN GENERAL.—Each eligible State shall be entitled to receive from the Secretary of Health and Human Services, for each of the fiscal years 2005 through 2009, a grant to conduct programs of family life education, including education on both abstinence and contraception for the prevention of teenage pregnancy and sexually transmitted diseases, including HIV/AIDS.

(b) REQUIREMENTS FOR FAMILY LIFE PROGRAMS.—For purposes of this title, a program of family life education is a program that—

(1) is age-appropriate and medically accurate;

(2) does not teach or promote religion;

(3) teaches that abstinence is the only sure way to avoid pregnancy or sexually transmitted diseases;

(4) stresses the value of abstinence while not ignoring those young people who have had or are having sexual intercourse;

(5) provides information about the health benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy;

(6) provides information about the health benefits and side effects of all contraceptives and barrier methods as a means to reduce the risk of contracting sexually transmitted diseases, including HIV/AIDS;

(7) encourages family communication about sexuality between parent and child;

(8) teaches young people the skills to make responsible decisions about sexuality, including how to avoid unwanted verbal, physical, and sexual advances and how not to make unwanted verbal, physical, and sexual advances; and

(9) teaches young people how alcohol and drug use can effect responsible decision-making.

(c) ADDITIONAL ACTIVITIES.—In carrying out a program of family life education, a State may expend a grant under subsection (a) to carry out educational and motivational activities that help young people—

(1) gain knowledge about the physical, emotional, biological, and hormonal changes of adolescence and subsequent stages of human maturation;

(2) develop the knowledge and skills necessary to ensure and protect their sexual and reproductive health from unintended pregnancy and sexually transmitted disease, including HIV/AIDS throughout their lifespan;

(3) gain knowledge about the specific involvement of and male responsibility in sexual decisionmaking;

(4) develop healthy attitudes and values about adolescent growth and development, body image, gender roles, racial and ethnic diversity, sexual orientation, and other subjects;

(5) develop and practice healthy life skills including goal-setting, decisionmaking, negotiation, communication, and stress management;

(6) promote self-esteem and positive interpersonal skills focusing on relationship dynamics, including, but not limited to, friendships, dating, romantic involvement, marriage and family interactions; and

(7) prepare for the adult world by focusing on educational and career success, including developing skills for employment preparation, job seeking, independent living, financial self-sufficiency, and workplace productivity.

##### **SEC. 604. SENSE OF CONGRESS.**

It is the sense of Congress that while States are not required to provide matching funds, they are encouraged to do so.

**SEC. 605. EVALUATION OF PROGRAMS.**

(a) IN GENERAL.—For the purpose of evaluating the effectiveness of programs of family life education carried out with a grant under section 603, evaluations of such program shall be carried out in accordance with subsections (b) and (c).

**(b) NATIONAL EVALUATION.—**

(1) IN GENERAL.—The Secretary shall provide for a national evaluation of a representative sample of programs of family life education carried out with grants under section 603. A condition for the receipt of such a grant is that the State involved agree to cooperate with the evaluation. The purposes of the national evaluation shall be the determination of—

(A) the effectiveness of such programs in helping to delay the initiation of sexual intercourse and other high-risk behaviors;

(B) the effectiveness of such programs in preventing adolescent pregnancy;

(C) the effectiveness of such programs in preventing sexually transmitted disease, including HIV/AIDS;

(D) the effectiveness of such programs in increasing contraceptive knowledge and contraceptive behaviors when sexual intercourse occurs; and

(E) a list of best practices based upon essential programmatic components of evaluated programs that have led to success in subparagraphs (A) through (D).

(2) REPORT.—A report providing the results of the national evaluation under paragraph (1) shall be submitted to the Congress not later than March 31, 2008, with an interim report provided on a yearly basis at the end of each fiscal year.

**(c) INDIVIDUAL STATE EVALUATIONS.—**

(1) IN GENERAL.—A condition for the receipt of a grant under section 603 is that the State involved agree to provide for the evaluation of the programs of family education carried out with the grant in accordance with the following:

(A) The evaluation will be conducted by an external, independent entity.

(B) The purposes of the evaluation will be the determination of—

(i) the effectiveness of such programs in helping to delay the initiation of sexual intercourse and other high-risk behaviors;

(ii) the effectiveness of such programs in preventing adolescent pregnancy;

(iii) the effectiveness of such programs in preventing sexually transmitted disease, including HIV/AIDS; and

(iv) the effectiveness of such programs in increasing contraceptive knowledge and contraceptive behaviors when sexual intercourse occurs.

(2) USE OF GRANT.—A condition for the receipt of a grant under section 603 is that the State involved agree that not more than 10 percent of the grant will be expended for the evaluation under paragraph (1).

**SEC. 606. DEFINITIONS.**

For purposes of this title:

(1) The term “eligible State” means a State that submits to the Secretary an application for a grant under section 603 that is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this title.

(2) The term “HIV/AIDS” means the human immunodeficiency virus, and includes acquired immune deficiency syndrome.

(3) The term “medically accurate”, with respect to information, means information that is supported by research, recognized as accurate and objective by leading medical, psychological, psychiatric, and public health organizations and agencies, and where relevant, published in peer review journals.

(4) The term “Secretary” means the Secretary of Health and Human Services.

**SEC. 607. APPROPRIATIONS.**

(a) IN GENERAL.—For the purpose of carrying out this title, there is authorized to be appropriated \$100,000,000 for each of the fiscal years 2005 through 2009.

(b) ALLOCATIONS.—Of the amounts appropriated under subsection (a) for a fiscal year—

(1) not more than 7 percent may be used for the administrative expenses of the Secretary in carrying out this title for that fiscal year; and

(2) not more than 10 percent may be used for the national evaluation under section 605(b).

**TITLE VII—TEENAGE PREGNANCY PREVENTION****SEC. 701. SHORT TITLE.**

This Act may be cited as the “Preventing Teen Pregnancy Act”.

**SEC. 702. TEENAGE PREGNANCY PREVENTION.**

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by inserting after section 399N the following section:

**“SEC. 399O. TEENAGE PREGNANCY PREVENTION GRANTS.**

“(a) AUTHORITY.—The Secretary may award on a competitive basis grants to public and private entities to establish or expand teenage pregnancy prevention programs.

“(b) GRANT RECIPIENTS.—Grant recipients under this section may include State and local not-for-profit coalitions working to prevent teenage pregnancy, State, local, and tribal agencies, schools, entities that provide afterschool programs, and community and faith-based groups.

“(c) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give—

“(1) highest priority to applicants seeking assistance for programs targeting communities or populations in which—

“(A) teenage pregnancy or birth rates are higher than the corresponding State average; or

“(B) teenage pregnancy or birth rates are increasing; and

“(2) priority to applicants seeking assistance for programs that—

“(A) will benefit underserved or at-risk populations such as young males or immigrant youths; or

“(B) will take advantage of other available resources and be coordinated with other programs that serve youth, such as workforce development and after school programs.

“(d) USE OF FUNDS.—Funds received by an entity as a grant under this section shall be used for programs that—

“(1) replicate or substantially incorporate the elements of one or more teenage pregnancy prevention programs that have been proven (on the basis of rigorous scientific research) to delay sexual intercourse or sexual activity, increase condom or contraceptive use (without increasing sexual activity), or reduce teenage pregnancy; and

“(2) incorporate one or more of the following strategies for preventing teenage pregnancy: encouraging teenagers to delay sexual activity; sex and HIV education; interventions for sexually active teenagers; preventive health services; youth development programs; service learning programs; and outreach or media programs.

“(e) COMPLETE INFORMATION.—Programs receiving funds under this section that choose to provide information on HIV/AIDS or contraception or both must provide information that is complete and medically accurate.

“(f) RELATION TO ABSTINENCE-ONLY PROGRAMS.—Funds under this section are not intended for use by abstinence-only education programs. Abstinence-only education pro-

grams that receive Federal funds through the Maternal and Child Health Block Grant, the Administration for Children and Families, the Adolescent Family Life Program, and any other program that uses the definition of ‘abstinence education’ found in section 510(b) of the Social Security Act are ineligible for funding.

“(g) APPLICATIONS.—Each entity seeking a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

**“(h) MATCHING FUNDS.—**

“(1) IN GENERAL.—The Secretary may not award a grant to an applicant for a program under this section unless the applicant demonstrates that it will pay, from funds derived from non-Federal sources, at least 25 percent of the cost of the program.

“(2) APPLICANT'S SHARE.—The applicant's share of the cost of a program shall be provided in cash or in kind.

“(i) SUPPLEMENTATION OF FUNDS.—An entity that receives funds as a grant under this section shall use the funds to supplement and not supplant funds that would otherwise be available to the entity for teenage pregnancy prevention.

**“(j) EVALUATIONS.—**

“(1) IN GENERAL.—The Secretary shall—

“(A) conduct or provide for a rigorous evaluation of 10 percent of programs for which a grant is awarded under this section;

“(B) collect basic data on each program for which a grant is awarded under this section; and

“(C) upon completion of the evaluations referred to in subparagraph (A), submit to the Congress a report that includes a detailed statement on the effectiveness of grants under this section.

“(2) COOPERATION BY GRANTEEES.—Each grant recipient under this section shall provide such information and cooperation as may be required for an evaluation under paragraph (1).

“(k) DEFINITION.—For purposes of this section, the term ‘rigorous scientific research’ means based on a program evaluation that:

“(1) Measured impact on sexual or contraceptive behavior, pregnancy or childbearing.

“(2) Employed an experimental or quasi-experimental design with well-constructed and appropriate comparison groups.

“(3) Had a sample size large enough (at least 100 in the combined treatment and control group) and a follow-up interval long enough (at least six months) to draw valid conclusions about impact.

“(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$20,000,000 for fiscal year 2005, and such sums as may be necessary for each subsequent fiscal year. In addition, there are authorized to be appropriated for evaluations under subsection (j) such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year.”.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 2337. A bill to establish a grant program to support coastal and water quality restoration activities in States bordering the Great Lakes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. STABENOW. Mr. President, I rise today to introduce the Great Lakes Community Restoration Act.

Before I discuss the bill, I want to say that it is extremely fitting that we are discussing the restoration of the Great Lakes, because today is Earth

Day. Earth Day is a time to reflect on the environmental gains we have made, and to challenge ourselves with a new environmental commitment for the future. Our environmental and natural resources are not merely important, they are vital to our future health and survival. The Great Lakes are one of our Nation's most precious and vital natural resources. I believe it is extremely important that we have a strong Federal, State and local commitment to protect them.

The Great Lakes contain one-fifth of the world's fresh water, and supply safe drinking water to thirty-three million people, including 10 million people who rely on Lake Michigan alone. The Great Lakes' coastlines are home to wetlands, dunes, and endangered plants and species. Lake Michigan alone contains over 417 coastal wetlands, the most of any Great Lake. Millions of people use the Great Lakes each year for recreation, enjoying beaches, good fishing and boating. The latest estimate shows that recreational fishing totals a \$1.5 billion boost to Michigan's tourist economy alone.

However, it takes a real Federal, State, and local partnership to maintain this critical natural resource. Unfortunately, there are several environmental threats to the Great Lakes that we need to address. These include cleaning up contaminated sediments and pollutants that are affecting the Great Lakes ecosystem. During last year's electricity blackout, 650 pounds of vinyl chloride were dumped into the St. Clair River. This past February, another serious chemical spill occurred, dumping approximately 42,000 gallons of methyl ethyl ketone and methyl isobutyl ketone into the river, and forcing the shutdown of 10 drinking water plants. Last summer alone, 81 beaches in Michigan were closed due to elevated *E. coli* levels. This contamination affects our water supply, our recreation and tourism, and Michigan's overall economy.

The Great Lakes have also been inundated with invasive species. Over the past century, more than 87 non-indigenous aquatic species have been accidentally introduced into the Great Lakes. They have damaged the lakes in a number of ways. They have destroyed thousands of fish and threatened our clean drinking water. For example, Lake Michigan once housed the largest self-producing lake trout fishery in the world. The invasive sea lamprey, which was introduced from ballast water almost 80 years ago has fed-on and greatly contributed to the decline of trout and whitefish in the Great Lakes. Today, lake trout must be stocked because it cannot naturally reproduce in the lakes. These invasive species also cause damage to our community water and sewer systems.

Michigan also is home to over 120 lighthouses, more than any other State in the Nation. The oldest Michigan lighthouses date back to the 1820s. These lighthouses are an inseparable

part of Michigan's identity and cultural history. Unfortunately, many of our lighthouses are poorly maintained and in grave need of repair. In order to preserve our history and heritage of the Great Lakes, it is imperative that we maintain our lighthouses.

As I mentioned before, protecting the Great Lakes requires a coordinated effort at all levels of government. However, our local communities are the ones who are immediately affected by these problems, both environmentally and economically.

That is why I have introduced the Great Lakes Community Restoration Act. The Act will provide \$400 million directly to local communities to help protect and restore the Great Lakes coastal region. NOAA will award the grant for local projects, such as repair of sewer systems damaged by invasive species, lighthouse restoration, and the local cleanup of water pollution and sediments.

Protecting the Great Lakes requires a Federal, State and local partnership, and this Act will provide local communities with the resources they need to continue their vital stewardship of the Great Lakes.

By Mr. BOND (for himself, Mr. KENNEDY, and Mr. JOHNSON):

S. 2338. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is an honor to join my colleagues, Senator CHRISTOPHER BOND and Senator TIM JOHNSON, in introducing the Arthritis Prevention, Control, and Cure Act of 2004. Senator BOND has been outstanding in his leadership and support of this bipartisan legislation, which is a product of the untiring efforts of many leaders in the arthritis community including patients, families, and health care providers. The goal of this legislation is to lessen the burden of arthritis and other rheumatic diseases on citizens across our Nation.

Seventy million adults in the United States now suffer from arthritis or related conditions. Of these, one in three is under 65. Over 300,000 are children who struggle each day to get out of bed, go to school, and play with their friends. Arthritis accounts for 4 million days of hospital care each year. It costs \$51 million in annual medical care, and \$86 million more is lost in productivity. Arthritis is an overwhelming and debilitating hardship for countless families across the Nation.

In recent years, increasing effective research into the prevention and treatment of arthritis has led to measures that successfully reduce pain and improve the quality of life for millions who suffer with this disease. Cooperative efforts at every level have led to the development of a National Arthritis Action Plan, with emphasis on public health strategies to make timely

information and medical care much more widely available across the country. However, the commitment to implement these important public health approaches has been very limited so far. Advances in research and treatment reach less than 1 percent of people with arthritis. We need to do much more to bring the highest quality of care to those with arthritis and other rheumatic diseases.

Our legislation will reduce the burden of unnecessary suffering for our citizens by supporting implementation of effective strategies to carry out the National Arthritis Action Plan. That means support for comprehensive arthritis control and prevention programs. It means the development of arthritis education and outreach activities, and more research on the best ways to prevent and treat the illness at various ages.

It also means developing better care and treatment for children with arthritis and rheumatic diseases. We include planning grants to support innovative research on juvenile arthritis. We support training for health care providers specializing in pediatric rheumatology, so that all children will have greater access to physicians trained in state-of-the-art care for arthritis.

This legislation will improve the quality of life for large numbers of adults and children, and avoid thousands of dollars in medical costs for each patient. Millions of our fellow citizens will have greater access to the best available information and medical care to prevent and treat this debilitating disease. I urge our colleagues to support this timely and needed legislation.

Mr. JOHNSON. Mr. President, today I join a bipartisan group of Senators in introducing the Arthritis Prevention, Control and Cure Act of 2004. This legislation is so important to addressing arthritis and chronic joint problems which are the leading causes of disability in the United States impacting nearly 70 million adults. I want to thank Senators KENNEDY and BOND who have been working hard on this legislation over the last year.

The prevalence of chronic diseases in the U.S. have become the most significant public health problem of our current day. The beginning of the last century raised many infectious disease public health problems. But safe drinking water, clean working conditions and modern medicines have changed the public health dynamics. While we do need to continue to be concerned about newly emerging infectious diseases such as SARS and West Nile Virus, the biggest threat to our health as a nation is the impact of chronic diseases. It is estimated that by the year 2020, 157 million Americans will suffer from some chronic illness. Whether it be asthma, diabetes, heart disease or arthritis, these conditions are costly to our health care system and erode quality of life.



Arthritis and other rheumatic diseases are among the most common conditions in the United States, diminishing mental health and imposing significant limitations on daily activities. One out of every 3, or nearly 70 million adults in the United States suffer from arthritis or chronic joint symptoms. In my home State, approximately 173,000 adults suffer from the disease, or 31 percent of the adult population. Arthritis is exceeded only by heart disease as a cause of work disability. In addition, nearly 300,000 children in the United States, or 3 children out of every 1,000, have some form of arthritis or other rheumatic disease. The costs associated with arthritis are immense. The disease results in 750,000 hospitalizations, 44 million outpatient visits and 4 million days of hospital care every year. The estimated total costs of arthritis in the U.S., including lost productivity exceeds \$86 billion.

While the current impact of the disease is quite astounding, there is much that can be done to prevent and control arthritis. Despite myths that inaccurately portray this illness as an old persons disease, some forms of arthritis, such as osteoarthritis, can be prevented with weight control and other precautions. More broadly, the pain and disability accompanying all types of arthritis can be minimized through early diagnosis and appropriate disease management. There are many interventions that have been proven effective in reducing the burden of this disease, but unfortunately up until this point, those strategies have been underutilized.

The National Arthritis Action Plan, developed by the Centers for Disease Control or CDC, Arthritis Foundation and the Association of State and Territorial Health Officials, put forward a comprehensive strategy to meet the challenged of addressing arthritis. This legislation puts the action plan into law, directing the CDC and National Institutes of Health to formalize the intentions of that action plan.

This legislation enhances support for the implementation of public health strategies consistent with the National Arthritis Action Plan. Through the CDC, the legislation will implement comprehensive arthritis control and prevention programs, developing arthritis education and outreach activities, and conducting research on prevention and treatment across the lifespan. It also includes planning grants in support of innovative research related to juvenile arthritis and supports health care provider training for those specializing in pediatric rheumatology. This bill will also assure that the National Arthritis Action Plan is implemented in a systematic way, and guarantees continued focus on quality research and care for adults and children who suffer from this debilitating disease.

The bill provides funds for local demonstration projects, including community-based and patient self-manage-

ment programs for arthritis control, prevention and care. State and tribal grants will also be made available for comprehensive prevention programs administered by state health departments. While CDC does provide for some grants currently, it is my hope that by moving this legislation forward, eventually, all states will have comprehensive arthritis programs to meet the increasing need.

I want to again thank Senators KENNEDY and BOND for their leadership on this issue. I urge my colleagues to support this important bill.

By Mr. CORZINE (for himself,  
Mr. LAUTENBERG, Ms.  
STABENOW, and Ms. MIKULSKI):

S. 2339. A bill to amend part D of title XVIII of the Social Security Act to improve the coordination of prescription drug coverage provided under retiree plans and State pharmaceutical assistance programs with the prescription drug benefit provided under the medicare program, and for other purposes; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today along with my colleagues, Senators LAUTENBERG, STABENOW, and MIKULSKI, to introduce legislation, the Preserving Access to Affordable Drugs (PAAD) Act. This legislation is essential to ensuring that no senior who has existing prescription drug coverage receives less coverage once the Medicare prescription drug program goes into effect.

The Congressional Budget Office has estimated that as many as 1.7 million retirees could lose their employer-based prescription drug benefits as a result of the new Medicare prescription drug benefit. Also as a result of the new law, hundreds of thousands of seniors currently enrolled in state pharmacy assistance programs (SPAPs) will be forced out of those programs and into a private Medicare drug plan. Additionally, approximately six million seniors who are dually eligible for Medicare and Medicaid will lose access to their Medicaid prescription drug benefits, which are more generous and provide greater access to a variety of drugs than the Medicare benefit will. And, despite the fact that the new Medicare law has huge gaps in coverage, seniors who choose to enroll in the new drug benefit will be prohibited from purchasing Medigap coverage to pay for prescription drugs not covered by the new Medicare benefit.

No senior should be made worse off by the new Medicare law. The law should expand benefits—not rescind them. The PAAD Act will make critical changes to the Medicare law to ensure that the above-mentioned benefits are safeguarded.

First, the PAAD Act will preserve retiree prescription drug benefits by allowing employer contributions to count towards the out of pocket threshold. Under the Medicare law, retirees with employer-based coverage would receive less of a subsidy from

Medicare than seniors without such coverage. This lower subsidy creates a disincentive to employers to continue to provide these benefits and will lead to a significant reduction in employer-based benefits. The PAAD Act will ensure that employer-based plans receive the same subsidization as the Medicare prescription drug plans.

Second, the PAAD Act will restore language that I added to the Senate-passed Medicare bill to allow states with pharmaceutical assistance programs to administer the Medicare prescription drug benefit to Medicare beneficiaries enrolled in these programs. This will ensure a seamless transition for these seniors and will ensure that they maintain the generous prescription drug coverage that many states, including New Jersey, offer.

Third, the PAAD Act will enable states to supplement the Medicare prescription drug benefit for the neediest Medicare beneficiaries, those dually-eligible for the Medicaid program. Under current law, Medicaid wraps around Medicare, paying for copayments and premiums, for those beneficiaries who are extremely sick and poor. Under the new Medicare law, states will be prohibited from using Medicaid to wrap around the Medicare drug benefit for these seniors, stripping them of access to needed prescription drugs. The PAAD Act will ensure that states can provide supplemental Medicaid prescription drug coverage to complement the Medicare drug benefit for seniors who are dually eligible for Medicare and Medicaid.

Fourth, the PAAD Act will restore seniors' access to supplemental drug benefits through the Medigap program. Seniors should be allowed to improve the Medicare drug benefit if they so choose.

Finally, the PAAD Act will also eliminate the risky demonstration program to privatize Medicare, a program which if not eliminated is likely to impact my state of New Jersey. Under the new Medicare law, seniors who live in areas where a large number of seniors are enrolled in Medicare managed care plans could end up in this privatization scheme. This new program is slated to go into effect in 2010. But, if it were to go into effect today, Gloucester, Burlington, Camden and Salem Counties in New Jersey would likely be chosen to participate in it.

One of the goals of medicine is to do no harm. The new Medicare law violates that tenet. My legislation is critical to preserving and protecting existing prescription drug coverage while expanding it to those who currently lack such coverage. I look forward to working with my colleagues to pass this legislation and improve prescription drug benefits for all seniors.

By Mr. BINGAMAN (for himself,  
Mr. KENNEDY, and Mr. REED):

S. 2340. A bill to reauthorize title II of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Capacity to Learn for All Students and Schools (CLASS) Act of 2004, along with Senators KENNEDY and REED, to ensure that all of our students receive the high quality of instruction they need and deserve. We know that teacher quality is the single most important factor in determining the success of our school children. Children who consistently have access to good teachers are more likely to do well academically; those who do not are more likely to fall behind.

As the son of two former teachers, I am well aware of the satisfactions and challenges that accompany a career in teaching. I have been a long-time and strong supporter of our devoted teachers and our public schools. Over the years, I have visited many schools throughout my home State of New Mexico and spoken with countless students and teachers. I frequently have witnessed the dedication of our teachers in preparing young people to lead meaningful and productive adult lives.

So many of us can look back on our own student years and recall a special teacher whose passion for learning ignited a similar passion in us, whose high standards caused us to set higher standards for ourselves, and whose commitment to education provided a model for our own lives. We need to ensure that all children have access to such special teachers. Many other Senators share my interest in this issue, including my colleagues on the HELP Committee. In fact, I am pleased to be introducing this bill along with the Senior Senator from Rhode Island. Senator REED's PRREP Act is a great complement to the CLASS Act, and I look forward to working with him and other members of the Committee as we proceed toward reauthorization of the Higher Education Act.

The current act authorizes three types of competitively awarded grants: State Grants, Partnership Grants, and Recruitment Grants. The CLASS Act significantly increases funding for these programs, strengthens the provisions of the current law, and expands the learning and teaching capacity of students, teachers, and schools. I want to mention some of our critical educational needs and explain how the CLASS Act addresses those needs.

First, we need to ensure that all teachers are highly qualified, have strong teaching skills, understand scientifically based research and its applicability, and can use technology effectively in the classroom. The preparation afforded prospective teachers must enable them to meet the varied needs of our nation's students, of our schools and institutions of higher education, and of our competitive workforce.

The CLASS Act will address this need in a number of ways. For example, the CLASS Act establishes Academic Teaching Centers (ATCs). The ATCs provide a setting—a model teaching

laboratory—for the integration of education and training, research, and evidence-based practice for teacher candidates, university professors, and master teachers. Modeled on academic health centers, ATCs offer prospective teachers with a system of practice-based support at initial levels of preparation, training during the first years of practice, and continued support in maintaining high levels of skill mastery. The ATC provides a clinical setting with an education and research mission, mentorship by expert practitioners, cross-pollination between practice and research, and high-quality services for its K-12 students.

The CLASS Act also authorizes a Professional Development Program (PDP) that encourages states to pursue alignment with National Board for Professional Teaching Standards, a tiered licensure system, multiple career paths, and opportunities for professional growth. The PDP will improve teacher recruitment and retention by increasing the attractiveness of a teaching career, encouraging teachers to enhance their competencies and skills, and reinforcing their efforts to advance in their profession. The CLASS Act also encourages clinical, field, induction, mentoring, and other professional development experiences.

Further, the CLASS Act requires rigorous standards for teacher certification or licensure designed to enhance teacher quality and to ensure that all prospective teachers meet the same high State standards. The act also expands programs that prepare prospective teachers to use advanced technology.

Second, we need to empower teachers and schools to provide access for all students to a high-quality general education curriculum, including minorities, students in high-need schools, and students with disabilities and limited-English proficiency. Our teachers need to be able to provide effective instruction to diverse student populations and to address special learning needs. We also need to recruit new teachers from underrepresented groups and to increase access to certification or licensure for other qualified individuals.

The CLASS Act will address this need by creating Centers of Excellence. The Centers of Excellence will increase minority teacher and principal recruitment, development, and retention. The act will also prepare teachers to provide access to the general education curriculum for all students, including students with disabilities and limited-English proficiency.

Third, we need to enhance the ability of schools, districts, and states to collect, analyze, and utilize data to improve schools and programs and to fulfill the requirements of No Child Left Behind and the Higher Education Act. Good data and data systems are the bedrock on which accountability is built. Yet present data and data systems are too often inadequate to meet the needs of our schools, districts,

states, and nation. For example, in 2003 the General Accounting Office reported that states did not have complete or consistent criteria to determine the number of highly qualified teachers and that state data systems did not track the federal criteria.

The CLASS Act will address this need by strengthening accountability through improved assessment procedures that are valid and reliable, are aligned with reporting requirements, and allow for accurate and consistent reporting. The CLASS Act will also require a State-level needs assessment for Teacher Enhancement Grants to identify areas of greatest need and to specify a timetable for meeting identified needs. The needs assessment will assist States to identify teacher production needs in high-need academic subjects, such as mathematics and science; in high-need services, such as special education, bilingual education, and early childhood education; in high-need rural and urban areas; and in high-poverty, high-minority, and low-performing schools.

Further, the CLASS Act will create data systems designed to improve public education, including enhancing teacher preparation programs. State educational agencies can apply for new Data Systems Grants that enable them to develop or expand data systems that have the capacity to integrate and coordinate individual student data from educational and employment settings; to conduct analyses necessary for evaluating programs and policies and identifying best practices; and to facilitate alignment among schools, institutions of higher education, and employment settings. These data systems also allow teacher preparation programs to follow graduates as they proceed toward certification or licensure and into the classroom.

Fourth, we need to improve teacher recruitment and retention. Each year, more of the nation's teachers leave the field than enter the profession. In fact, approximately one-third of teachers leave the field during their first 3 years, and almost half leave during their first 5 years. Moreover, the overall turnover rate for teachers in high-poverty areas is almost a third higher than the rate for all teachers. Some of our schools, such as the rural schools in New Mexico, face unique challenges in recruiting and retaining highly qualified teachers. These challenges include low salaries, geographic and social isolation, housing shortages, poor physical working conditions, a paucity of teacher preparation programs targeted to rural schools, limited opportunities for professional development, and the necessity for teachers to teach more than one grade or subject.

The CLASS Act will address this need in the following ways. Among other initiatives, the act will fund a wide range of teacher recruitment and retention strategies designed to put—and keep—highly qualified teachers in every classroom, including induction

and mentoring for beginning teachers and ongoing opportunities for professional growth and advancement.

Importantly, the CLASS Act will also create the Rural Education Recruitment and Retention Program to address the needs of rural districts by funding a range of recruitment strategies, such as tuition assistance, loan forgiveness, housing assistance, and financial incentives for working in areas of greatest need; as well as retention strategies, such as mentoring programs and ongoing opportunities for professional growth and advancement. In addition, the act encourages partnerships designed to meet the needs of rural schools.

Fifth, we need to better prepare students for postsecondary education and a competitive workforce. According to recent data, a majority of college professors and employers rate high school graduates' skills in spelling, grammar, writing, and math as only fair or poor. Too many students leave high school ill-prepared to meet the requirements of postsecondary education or the demands of high-skilled, high-wage employment. Half of all students entering higher education take at least one remedial course, and, according to the U.S. Chamber of Commerce, employers frequently report difficulty in finding qualified workers who have satisfactory skills. High school graduation requirements are often not aligned with the requirements governing college admission, obtaining a job, or enrolling in credit-bearing courses once in college. High school curricula and assessments often stress different knowledge and skills than are required by college entrance and placement requirements.

The CLASS Act will address this need by creating the data systems described above that are designed to improve public education and to facilitate alignment among schools, institutions of higher education, and employment settings. These systems will have the capacity to integrate and coordinate individual student data from educational and employment settings. The CLASS Act will also support programs that provide special certification in advanced placement (AP)-level or international baccalaureate (IB)-level content and pedagogy.

In conclusion, I would like to say that I am very pleased to introduce a bill designed to ensure that all of our students are taught by highly qualified and effective teachers. No task is more important.

Each child who falls behind diminishes the power of our society's future. I hope you will all join me in reinforcing our national commitment to teacher preparation and teacher quality.

I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

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

S. 2340

*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 "Capacity to Learn for All Students and Schools Act".

## **SEC. 2. TEACHER QUALITY ENHANCEMENT.**

(a) **TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS.**—Part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended to read as follows:

### **"PART A—TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS"**

#### **"SEC. 201. PURPOSES; DEFINITIONS.**

"(a) **PURPOSES.**—The purposes of this part are to—

"(1) improve student academic achievement;

"(2) increase the size and scope of programs funded under this part to ensure that all teachers are highly qualified;

"(3) hold institutions of higher education accountable for preparing teachers who are highly qualified, have the necessary teaching skills, and are trained in the effective uses of technology in the classroom;

"(4) recruit and retain individuals who—

"(A) increase the diversity of the workforce;

"(B) teach high-need academic subjects, such as mathematics and science;

"(C) provide high-need services, such as special education, bilingual education, and early childhood education;

"(D) serve in high-need areas, such as rural and urban communities;

"(E) meet the needs of high-poverty, high-minority, and low-performing schools; and

"(F) are prepared to provide access to the general education curriculum for all students, including students with disabilities and students with limited-English proficiency;

"(5) enhance the quality of the current and future teaching force by improving the preparation of prospective teachers and expanding professional development activities;

"(6) ensure that all teachers, regardless of their route to the profession, meet the same rigorous State standards for certification or licensure;

"(7) encourage learning partnerships among parents, community members, and educators that lead to improved student academic achievement; and

"(8) promote collaboration among college and university faculty and administrators, elementary school and secondary school teachers and administrators, State educational agencies, teacher and education organizations, and organizations representing the scientific disciplines associated with teaching and learning.

"(b) **DEFINITIONS.**—In this part:

"(1) **ARTS AND SCIENCES.**—The term 'arts and sciences' means—

"(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

"(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

"(2) **EXEMPLARY TEACHER.**—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(3) **HIGH-NEED LOCAL EDUCATIONAL AGENCY.**—The term 'high-need local educational

agency' means a local educational agency in which—

"(A)(i) 15 percent of the students served by the agency are from families with incomes below the poverty line;

"(ii) there are more than 5,000 students served by the agency from families with incomes below the poverty line; or

"(iii) there are less than 600 students in average daily attendance in all the schools that are served by the agency and each of the schools served by the agency is designated with a school locale code of 7 or 8, as determined by the Secretary; and

"(B)(i) there is a high percentage of teachers who are not highly qualified; or

"(ii) there is a high teacher turnover rate.

"(4) **HIGH-NEED SCHOOL.**—The term 'high-need school' means a public elementary school or secondary school—

"(A) in which there is a high concentration of students from families with incomes below the poverty line; or

"(B) that is identified as in need of school improvement or corrective action pursuant to section 1116 of the Elementary and Secondary Education Act of 1965.

"(5) **HIGHLY QUALIFIED.**—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(6) **PARENT.**—The term 'parent' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(7) **PARENTAL INVOLVEMENT.**—The term 'parental involvement' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(8) **POVERTY LINE.**—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(9) **PROFESSIONAL DEVELOPMENT.**—The term 'professional development' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(10) **SCIENTIFICALLY BASED RESEARCH.**—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(11) **TEACHING SKILLS.**—The term 'teaching skills' means skills—

"(A) grounded in the science of teaching and learning that teachers use to create effective instruction in subject matter content and that lead to student achievement and the ability to apply knowledge; and

"(B) that require an understanding of the learning process itself, including an understanding of—

"(i) the use of strategies specific to the subject matter;

"(ii) ongoing assessment of student learning and the use of such assessment for evaluation of curriculum and instructional practices;

"(iii) identification of individual differences in ability and instructional needs;

"(iv) the use of strategies that will meet the instructional needs of students with disabilities and students with limited-English proficiency;

"(v) classroom management; and

"(vi) interaction with parents and others to promote student learning.

#### **"SEC. 202. STATE GRANTS.**

"(a) **GRANTS AUTHORIZED.**—From amounts made available under section 211(1) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable

the eligible States to carry out 1 or more activities authorized under subsection (d) for the following purposes:

“(1) Enhancing teacher preparation, licensure or certification programs, recruitment, or retention.

“(2) Developing or expanding data systems designed to collect, analyze, and utilize data for the purpose of improving public education, including enhancing teacher preparation.

“(3) Increasing opportunities for professional development.

“(b) ELIGIBLE STATE.—

“(1) DEFINITION.—In this part, the term ‘eligible State’ means a State educational agency.

“(2) CONSULTATION.—The State educational agency shall consult with the Governor, State board of education, or State higher education agency, as appropriate, with respect to the activities assisted under this section.

“(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

“(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall, at the time of the initial grant application, submit an application to the Secretary that—

“(1) meets the requirements of this section;

“(2) demonstrates that the State is in full compliance with the relevant provisions of sections 208 and 209;

“(3) demonstrates that the State has developed a plan that includes steps described in section 1111(b)(8)(C) of the Elementary and Secondary Education Act of 1965;

“(4) includes a State-level needs assessment to identify areas of greatest need related to—

“(A) teacher production—

“(i) in high-need academic subjects, such as mathematics and science;

“(ii) in high-need services, such as special education, bilingual education, and early childhood education; and

“(iii) among underrepresented groups, including minorities;

“(B) the instructional needs of students with disabilities and students with limited-English proficiency;

“(C) teachers who are not highly qualified or who teach out of field;

“(D) high-poverty, high-minority, or low-performing, or all of such, schools;

“(E) teacher retention;

“(F) professional development; and

“(G) instructional technology;

“(5) specifies measurable objectives based on the State-level needs assessment, as well as a timetable for achieving these objectives;

“(6) reflects knowledge of scientifically based principles of learning in State standards;

“(7) includes a plan for achieving the specified objectives;

“(8) includes a description of how the eligible State intends to use funds provided under this section to address the needs identified in subparagraph (D); and

“(9) contains such other information and assurances as the Secretary may require.

“(d) USES OF FUNDS.—

“(1) USES OF FUNDS FOR TEACHER ENHANCEMENT GRANTS.—

“(A) REQUIRED USES OF FUNDS.—An eligible State that receives a grant under this section to carry out the purposes of subsection (a)(1) shall use the grant funds for both of the following:

“(i) RIGOROUS AND ALIGNED TEACHER CERTIFICATION OR LICENSURE PROGRAMS.—Ensuring that—

“(I) the State’s teacher certification or licensure program is rigorous and meets high State-determined standards that are grounded in scientifically based research about how students learn;

“(II) the State’s program approval standards are aligned with kindergarten through grade 12 curriculum standards and State teacher licensure standards;

“(III) teachers are highly qualified and have the necessary teaching skills; and

“(IV) teacher certification and licensure assessments are—

“(aa) used for purposes for which such assessments are valid and reliable;

“(bb) consistent with relevant, nationally recognized professional and technical standards; and

“(cc) aligned with the reporting requirements of sections 207 and 208.

“(ii) RECRUITMENT AND RETENTION.—Developing and implementing effective mechanisms to ensure that local educational agencies and schools are able to—

“(I) recruit and retain highly qualified teachers;

“(II) address identified needs concerned with—

“(aa) underrepresented groups;

“(bb) high-need academic subjects, such as mathematics and science;

“(cc) high-need services, such as special education, bilingual education, and early childhood education;

“(dd) high-need areas, such as rural and urban communities;

“(ee) high-need schools, including those with high rates of teacher turnover; and

“(ff) students with disabilities and students with limited-English proficiency;

“(III) offer mentoring programs for new teachers during such teachers’ first 3 years of teaching; and

“(IV) provide access to ongoing professional development opportunities for teachers and administrators.

“(B) ALLOWABLE USES OF FUNDS.—In addition to the requirements of subparagraph (A), an eligible State that receives a grant under this section to carry out the purposes of subsection (a)(1) may use grant funds for the following:

“(i) REFORMS.—Implementing reforms that hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly qualified, possess strong teaching skills, are able to understand scientifically based research and its applicability, and are able to use technology effectively in the classroom.

“(ii) ALTERNATIVE ROUTES TO CERTIFICATION FOR TEACHING.—Providing prospective teachers with alternative routes to State certification or licensure that—

“(I) enhance access to certification or licensure for qualified individuals, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college graduates with distinguished academic records;

“(II) impart the necessary academic content to produce highly qualified teachers;

“(III) impart the necessary teaching skills;

“(IV) demonstrate that all teachers, regardless of their route to the profession, meet the same rigorous State standards; and

“(V) provide mentoring and support during the teachers’ initial years of teaching, as well as training and compensation for such activities.

“(iii) PILOT STUDIES.—In collaboration with teacher preparation programs (including alternative routes to certification) that agree to participate, and using a data system consistent with paragraph (2) unless the

State already has sufficient information system capacity to support pilot studies with 1 or more programs, conducting pilot studies designed to develop and evaluate procedures that can provide credible and persuasive evidence that graduates of teacher preparation programs (including those who complete alternative routes to certification) are effective at improving student achievement, including using funds for—

“(I) efforts to assess the impact of teacher preparation program graduates on student achievement;

“(II) identification of specific practices that lead to consistent student achievement gains;

“(III) identification of variables that can influence student achievement; and

“(IV) development of mechanisms for leaders of institutions of higher education to make use of the information identified in subclauses (I), (II), and (III) for purposes of teacher preparation program improvement.

“(iv) SPECIAL CERTIFICATION FOR PROSPECTIVE ADVANCED PLACEMENT TEACHERS.—Developing and implementing teacher preparation programs that provide special certification in advanced placement (AP) level or international baccalaureate (IB) level content and pedagogy, including undergraduate specializations in in-depth study of subject-specific content and practical pedagogical experience through student teaching, and master’s degree level programs that lead to a master’s degree in AP level or IB level content.

“(v) SOCIAL PROMOTION.—Development and implementation of efforts to address the problem of social promotion and to prepare teachers to effectively address the issues raised by ending the practice of social promotion.

“(2) USE OF FUNDS FOR DATA SYSTEMS GRANTS.—An eligible State that receives a grant under this section to carry out the purposes of subsection (a)(2) shall use the grant funds to develop or expand data systems. The data systems shall do each of the following:

“(A) Enable the eligible State to—

“(i) integrate and coordinate the analysis of individual student-level data from multiple data systems, including data from kindergarten through grade 12 education, postsecondary education, and employment;

“(ii) conduct analyses necessary to help educators evaluate programs and policies, identify and study best practices, and continuously improve schools and programs; and

“(iii) facilitate alignment and coordination between kindergarten through grade 12 schools and institutions of higher education, and between institutions of higher education and postgraduate employment settings.

“(B) Have the ability to match, compare, or track, as appropriate—

“(i) individual records of the same student over time;

“(ii) an individual student with an individual teacher;

“(iii) kindergarten through grade 12 data and higher education data;

“(iv) higher education data and postgraduate data; and

“(v) all of the data systems to State employment records.

“(C) Include a State data audit process to ensure accurate and complete information.

“(D) Be designed so as not to infringe on the established privacy rights of students, teachers, and employees.

“(3) USE OF FUNDS FOR PROFESSIONAL DEVELOPMENT PROGRAM GRANTS.—An eligible State that receives a grant under this section to carry out the purposes of subsection (a)(3) may use the grant funds to carry out any of the following activities:

“(A) Aligning State teacher standards with those of the National Board for Professional Teaching Standards.

“(B) Developing a progressive career system in which highly qualified teachers who pursue advanced licensure levels are required to demonstrate increased competencies and undertake increased responsibilities, for increased compensation, as they progress through levels such as the following:

“(i) Level I: an initial license issued for the first 3 years of teaching that gives a beginning highly qualified teacher the opportunity, through a formal induction program, to progress to Level II.

“(ii) Level II: a professional license given to an experienced teacher whose performance has been satisfactory during such teacher's first 3 years of teaching.

“(iii) Level III: a master license for those teachers who—

“(I) obtain advanced credentials as board-certified teachers, exemplary teachers, master teachers, or other advanced credentials;

“(II) choose to advance as instructional leaders in the teaching profession and undertake greater responsibilities, such as curriculum development, peer intervention, and mentoring; or

“(III) demonstrate exceptional effectiveness in helping students learn.

“(C) Developing multiple career paths for teachers, such as highly qualified mentor teachers or exemplary teachers.

“(D) Providing opportunities for professional growth, such as special certification in advanced placement or international baccalaureate content and pedagogy.

“(E) Subsidizing candidates who pursue advanced credentials.

“(F) Providing financial incentives, such as a bonus or higher salary, for teachers who obtain advanced credentials.

“(e) **RULE OF CONSTRUCTION.**—Nothing in subsection (d)(2) shall be construed to authorize the public release or publication of personally identifying information.

#### “SEC. 203. PARTNERSHIP GRANTS.

“(a) **GRANTS.**—From amounts made available under section 211(2) for a fiscal year, and not reserved under such section, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

“(b) **DEFINITIONS.**—

“(1) **ELIGIBLE PARTNERSHIP.**—In this part, the term ‘eligible partnership’ means an entity that—

“(A) shall include—

“(i) a partner institution;

“(ii) a school of arts and sciences; and

“(iii) a high-need local educational agency; and

“(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A), a community college, a public charter school, a public or private elementary school or secondary school, an educational service agency, a public or private nonprofit educational organization, a business, a teacher organization, or a prekindergarten program.

“(2) **PARTNER INSTITUTION.**—In this section, the term ‘partner institution’ means a private independent or State-supported public institution of higher education, the teacher preparation program of which demonstrates that—

“(A) graduates from the teacher preparation program who intend to enter the field of teaching exhibit strong performance on State-determined qualifying assessments and are highly qualified; or

“(B) the teacher preparation program requires all the students of the program to participate in intensive clinical experience to meet high academic standards, to possess strong teaching skills, and to become highly qualified.

“(c) **APPLICATION.**—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

“(1) contain a needs assessment of all the partners with respect to teaching and learning and a description of how the partnership will coordinate with other teacher preparation or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement;

“(2) contain a resource assessment that describes the resources available to the partnership, the intended use of the grant funds, including a description of how the grant funds will be fairly distributed in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends; and

“(3) contain a description of—

“(A) how the partnership will meet the purposes of this part;

“(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e); and

“(C) the partnership's evaluation plan pursuant to section 207(b).

“(d) **REQUIRED USES OF FUNDS.**—An eligible partnership that receives a grant under this section shall use the grant funds to carry out each of the following activities:

“(1) **REFORMS.**—Implementing reforms within teacher preparation programs to hold the programs accountable for preparing teachers who are highly qualified, have strong teaching skills, are able to understand scientifically based research and its applicability, and are able to use technology effectively in the classroom.

“(2) **CLINICAL EXPERIENCE AND INTERACTION.**—Providing sustained and high quality preservice and in-service clinical experience in school settings, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including training and compensation, for such interaction.

“(3) **PROFESSIONAL DEVELOPMENT.**—Creating opportunities for enhanced and ongoing professional development for teacher educators and other school personnel.

“(4) **TEACHER PREPARATION AND PARENTAL INVOLVEMENT.**—Preparing teachers with the knowledge and skills to—

“(A) provide instruction to diverse student populations, including individuals with different learning styles, disabilities, limited-English proficiency, and special learning needs;

“(B) implement gap-closing instructional strategies, as appropriate;

“(C) manage and improve student behavior in the classroom;

“(D) work with and involve parents in their children's education; and

“(E) use technology effectively in the classroom.

“(e) **ALLOWABLE USES OF FUNDS.**—An eligible partnership that receives a grant under

this section may use such funds to carry out any of the following activities:

“(1) **DEVELOPMENT OF ALTERNATIVE ROUTES TO STATE CERTIFICATION.**—Developing or refining alternative route programs that provide prospective teachers with the necessary teaching skills and that lead to State certification.

“(2) **DISSEMINATION AND COORDINATION.**—Broadly disseminating information on effective practices used by the partnership, and coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

“(3) **MANAGERIAL AND LEADERSHIP SKILLS.**—Developing and implementing proven mechanisms to provide teacher leaders, principals, and superintendents with effective managerial and leadership skills that result in increased student achievement.

“(4) **TEACHER RECRUITMENT.**—Activities described in section 204(d).

“(5) **TEACHER MENTORING.**—Developing a teacher mentoring program that offers mentoring for teachers in their first 3 years of teaching, including requiring rigorous qualifications for mentors, providing training and stipends for mentors, providing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the school day, and establishing an evaluation and accountability plan for mentoring activities.

“(6) **PROFESSIONAL DEVELOPMENT.**—Creating opportunities for enhanced and ongoing professional development throughout the educational continuum for new teachers, teachers already in the classroom, para-professionals, and school administrators that leads to a steady increase in mastery of content knowledge and the repertoire of effective teaching, assessment, and leadership skills. Such professional development shall include specially developed opportunities for mid-career enhancement.

“(7) **COORDINATION WITH OTHER INSTITUTIONS OF HIGHER EDUCATION.**—Coordinating with other institutions of higher education, including community colleges, to implement teacher preparation programs that support prospective teachers in obtaining baccalaureate degrees and State certification or licensure.

“(8) **FIELD EXPERIENCE IN MATHEMATICS, SCIENCE, AND TECHNOLOGY.**—Creating opportunities for teachers and prospective teachers for field experience and training through participation in professional business, research, and work environments in areas relating to mathematics, science, and technology.

“(9) **TEACHER PREPARATION ENHANCEMENT INTERNSHIP.**—Developing a 1-year paid internship program for prospective teachers who have completed a teacher preparation program at an institution of higher learning to enable such prospective teachers to acquire the skills and experience necessary for success in teaching, including providing intensive clinical training and combining in-service instruction in teacher methods and assessments with classroom observations, experiences, and practices. Such interns shall have a reduced teaching load and a mentor for assistance in the classroom.

“(10) **SCHOOL/HIGHER EDUCATION PARTNERSHIPS.**—Developing new models of teacher preparation that—

“(A) involve partnerships between schools and institutions of higher education;

“(B) meet the requirements listed in subsection (d)(4); and

“(C) offer leadership preparation that incorporates recruitment, high-quality clinical experience, field experiences, mentoring, and professional development.

“(f) SPECIAL RULE.—No individual member of an eligible partnership shall retain more than 50 percent of the funds made available to the partnership under this section.

“(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than 1 Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.

**“SEC. 204. TEACHER RECRUITMENT GRANTS.**

“(a) PROGRAM AUTHORIZED.—From amounts made available under section 211(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable the eligible applicants to carry out activities described in subsection (d).

“(b) ELIGIBLE APPLICANT DEFINED.—In this section, the term ‘eligible applicant’ means—

“(1) an eligible State described in section 202(b); or

“(2) an eligible partnership described in section 203.

“(c) APPLICATION.—Any eligible applicant desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

“(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical teaching needs of the participating high-need local educational agencies;

“(2) a description of the activities the eligible applicant will carry out with the grant and how such activities will address the identified needs; and

“(3) a description of the eligible applicant's plan for continuing the activities carried out with the grant, once Federal funding ceases.

“(d) USES OF FUNDS.—Each eligible applicant receiving a grant under this section shall use the grant funds—

“(1) to assist prospective and current teachers by providing—

“(A) scholarships to help prospective teachers pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;

“(B) support services, if needed, to enable scholarship recipients to complete postsecondary education programs;

“(C) opportunities for teachers who are not highly qualified to become highly qualified through coursework, credentialing courses, or other mechanisms; and

“(D) followup services to former scholarship recipients during such recipients' first 3 years of teaching, including providing mentoring by teachers who receive training and compensation for the teachers' services; or

“(2) to develop and implement effective mechanisms, including financial incentives, to ensure that high-need local educational agencies and high-need schools are able to effectively recruit and retain highly qualified teachers.

“(e) SERVICE REQUIREMENTS.—The Secretary shall establish such requirements as the Secretary finds necessary to ensure that recipients of scholarships under this section who complete teacher preparation programs subsequently teach in a high-need local educational agency, for a period of time equivalent to the period for which the recipients receive scholarship assistance, or repay the amount of the scholarship. The Secretary shall use any such repayments to carry out additional activities under this section.

“(f) RURAL EDUCATION RECRUITMENT AND RETENTION PROGRAM.—

“(1) FINDINGS.—Congress finds that rural school districts face unique challenges in fulfilling the requirement that all teachers be highly qualified, including challenges such as low salaries, geographic and social isolation, housing shortages, poor physical working conditions, a paucity of teacher preparation programs targeted to rural schools, limited opportunities for professional development, and the necessity for teachers to teach more than 1 grade or subject.

“(2) PROGRAM AUTHORIZED.—From amounts made available under section 211(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants for the purpose of addressing the teacher recruitment and retention needs of eligible rural school districts and consortia of eligible rural school districts.

“(3) ELIGIBILITY.—In this subsection, the term ‘eligible rural school district’ means a school district—

“(A) with a total of less than 600 students in average daily attendance at the schools that are served by the district; and

“(B) each of whose schools is designated with a school locale code of 7 or 8.

“(4) APPLICATION.—An eligible applicant that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(5) USE OF FUNDS.—An eligible applicant that receives a grant under this subsection may use the grant funds to address the needs of eligible rural school districts through implementing—

“(A) incentive teacher recruitment strategies, including tuition assistance, student loan forgiveness, housing assistance, a signing bonus, local programs that develop recruitment strategies for secondary school students wanting to return to the community as teachers, and a higher salary or bonus for teaching high-need academic subjects, providing high-need services, or teaching in high-need schools;

“(B) nonincentive teacher recruitment strategies, including advertising, hiring teachers from alternative programs, and recruiting online, from local populations, from the substitute teacher list, or through a State teacher clearinghouse or job bank;

“(C) teacher retention strategies, including mentoring programs for teachers during the teachers' first 3 years of teaching and ongoing opportunities for professional growth and advancement; and

“(D) partnerships with institutions of higher education designed to—

“(i) develop or strengthen a partnership focused on preparing beginning teachers to teach in schools served by eligible rural school districts; or

“(ii) assist teachers who are not highly qualified to become highly qualified teachers through—

“(I) after-school or summer programs;

“(II) electronically delivered education (e-learning), online, and distance learning technologies; and

“(III) flexible programs that enable multiple-subject teachers to become highly qualified teachers.

**“SEC. 205. ACADEMIC TEACHING CENTERS.**

“(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable such applicants to create academic teaching centers. Academic teaching centers shall—

“(1) promote excellence in the Nation's training of prospective teachers by creating settings for the integration of education and training, research, and evidence-based practice; and

“(2) provide a system of practice-based support at initial levels of preparation, training

during the first years of practice, and continued support in maintaining high levels of skill mastery.

“(b) DEFINITIONS.—In this section:

“(1) ELIGIBLE APPLICANT.—

“(A) IN GENERAL.—The term ‘eligible applicant’ means a consortium composed of each of the following:

“(i) A school of education housed in an institution of higher education.

“(ii) A college or school of arts and sciences within an institution of higher education.

“(iii) Not less than 1 academic unit (such as a department of psychology, a department of educational psychology, or a department of human development) whose faculty focuses on teaching and learning, developmental processes, and the assessment of learning.

“(iv) Not less than 1 local educational agency that serves a qualified school.

“(B) INCLUSIONS.—The term ‘eligible applicant’ may include an academic unit not described in subparagraph (A)(iii) whose faculty is able to contribute to the work of an academic teaching center.

“(2) QUALIFIED SCHOOL.—The term ‘qualified school’ means a public elementary school or public secondary school (urban, rural, or suburban), a school district, a campus school, a charter school, or any combination or network of schools, that—

“(A) is home to exemplary teachers who can provide high-quality mentoring and modeling to prospective teachers based on a demonstrated record of student academic achievement; and

“(B) demonstrates a commitment to evidence-based teaching confirmed by professional development offered to staff or by documented experience with university collaborations.

“(c) APPLICATION REQUIREMENTS.—An eligible applicant that desires to receive a grant under this section shall submit to the Secretary an application that demonstrates how the proposed academic teaching center will—

“(1) ensure that prospective teachers will have instruction in, and exposure to, scientific research derived from the social and behavioral sciences and applied to teaching and learning;

“(2) offer prospective teachers skill development opportunities in evidence-based educational interventions;

“(3) include, involve, and utilize faculty from all members of the eligible applicant in modeling the integration of research and practice in the classroom;

“(4) foster real interdisciplinary collaboration and cross-fertilization among and between—

“(A) education faculty;

“(B) prospective and current elementary school and secondary school teachers;

“(C) faculty within an academic unit who focus on teaching and learning, developmental processes, and the assessment of learning, such as faculty from a department of psychology, department of educational psychology, or department of human development; and

“(D) faculty from disciplines within the institution of higher education, including history, English, biology, chemistry, foreign languages, and psychology;

“(5) enhance the ability of faculty in the school of education, college or school of arts and sciences, and the academic unit specified in paragraph (4)(C) to participate more fully in elementary school or secondary school classroom teaching;

“(6) afford novice teaching candidates opportunities for rigorous, closely supervised internships in high-quality teaching settings;

"(7) include mechanisms to assess the quality of teacher preparation at the academic teaching center by the value the center adds to student achievement, as assessed by objective measures of student growth;

"(8) ensure that teachers who have participated in the academic teaching center are highly qualified upon completion of the teachers' degree; and

"(9) apply relevant scientific research on teaching and learning.

"(d) USE OF FUNDS.—An eligible applicant that receives a grant under this section may use the grant funds to carry out any of the following activities:

"(1) PROGRAM DEVELOPMENT, EVALUATION, AND ACCOUNTABILITY.—Funds may be used to—

"(A) develop and refine mechanisms to measure the value added to student academic achievement by evidence-based practice;

"(B) develop and refine mechanisms to measure the value added to student academic achievement by teachers trained in academic teaching centers;

"(C) develop mechanisms to evaluate acquisition of clinical judgment, communication, and problemsolving skills on the part of teacher candidates resulting from participation in an academic teaching center;

"(D) develop professional programs to enhance teacher candidates' communication with students, families, colleagues, and other education professionals; and

"(E) develop mechanisms to observe, evaluate, and reinforce ethical principles through formal instructional efforts.

"(2) CURRICULUM DEVELOPMENT FOR USE IN DEVELOPING TEACHING SKILLS.—Funds may be used to—

"(A) develop interactive teaching materials for the attainment of teaching skills in classroom management; and

"(B) develop interactive materials regarding other teaching skills, such as classroom assessment and individualizing for student abilities and backgrounds, that can be used at other field worksites and in education school courses.

"(3) SUPPORT FOR PARTICIPANTS.—Funds may be used to—

"(A) create and implement evidence-based curricula to be piloted in academic teaching centers;

"(B) provide workload credit for master elementary school or secondary school teachers to serve as adjunct faculty at the academic teaching center; and

"(C) provide workload credit for faculty at the school of education and the college or school of arts and sciences to serve as adjunct faculty at the academic teaching center.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) \$10,000,000 for fiscal year 2004; and

"(2) such sums as may be necessary for each of the 5 succeeding fiscal years.

#### **"SEC. 206. ADMINISTRATIVE PROVISIONS.**

"(a) DURATION; PAYMENTS.—

"(1) DURATION.—

"(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—Grants awarded to eligible States and eligible applicants under sections 202, 204, and 205 shall be awarded for a period not to exceed 3 years. If an eligible State or an eligible applicant receives a grant under any of such sections, such eligible State or eligible applicant may not receive an additional grant under such section during the grant period. After such grant period, such eligible State or such eligible applicant may receive an additional grant under such section.

"(B) ELIGIBLE PARTNERSHIPS.—Grants awarded to eligible partnerships under sec-

tion 203 shall be awarded for a period of 5 years. If an eligible partnership receives a grant under such section, such eligible partnership may not receive an additional grant under such section during the 5-year grant period. After such grant period, such eligible partnership may receive an additional grant under such section.

"(2) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

"(b) PEER REVIEW.—

"(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation and shall ensure that each peer review panel reflects the diversity of educational participants and eligible grantees provided for in sections 202, 203, 204, and 205. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

"(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall, with respect to grants under sections 202, 203, and 204, give priority to eligible States and eligible partnerships—

"(A) whose applications involve the development of innovative efforts aimed at reducing the shortage of highly qualified teachers from underrepresented groups, in high-need academic subjects, in high-need services, in high-need rural and urban areas, and in high-need schools;

"(B) whose awards promote an equitable geographic distribution of grants throughout the United States; and

"(C) whose awards promote an equitable geographic distribution of grants among rural and urban areas.

"(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out.

"(c) MATCHING REQUIREMENTS.—

"(1) STATE GRANTS.—Each State served by an eligible State that receives a grant under section 202 or 204 shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

"(2) PARTNERSHIP GRANTS.—Each eligible partnership receiving a grant under section 203 or 204 shall provide, from non-Federal sources (in cash or in kind), an amount equal to 25 percent of the grant for the first year of the grant, 35 percent of the grant for the second year of the grant, and 50 percent of the grant for each succeeding year of the grant.

"(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible State or eligible partnership that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

"(e) TEACHER QUALIFICATIONS PROVIDED TO PARENTS UPON REQUEST.—Any local educational agency or school that benefits from the activities assisted under this part shall make available, upon request and in an understandable and uniform format, to any parent of a student attending any school served by the local educational agency, information regarding the professional qualification of the student's classroom teacher with regard to the subject matter in which the teacher provides instruction. The local educational agency shall inform parents that the parents are entitled to receive the information upon request.

"(f) TECHNICAL ASSISTANCE.—For each fiscal year, the Secretary may expend not more

than \$500,000 or 0.75 percent of the funds appropriated to carry out this title, whichever amount is greater, to provide technical assistance to entities receiving grants under this part.

#### **"SEC. 207. ACCOUNTABILITY AND EVALUATION.**

"(a) STATE GRANT ACCOUNTABILITY REPORT.—An eligible State that receives a grant under section 202 shall submit an annual accountability report to the Secretary. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

"(1) HIGHLY QUALIFIED TEACHERS.—Ensuring that all teachers teaching in core academic subjects within the State are highly qualified not later than the end of the 2005–2006 school year, as required under section 1119 of the Elementary and Secondary Education Act of 1965.

"(2) STUDENT ACADEMIC ACHIEVEMENT.—Improving academic achievement for all students.

"(3) RAISING STANDARDS.—Raising the State academic standards required to enter the teaching profession, including, where appropriate, through the use of incentives to incorporate the requirement of an academic major in the subject, or related discipline, in which the teacher plans to teach.

"(4) INITIAL CERTIFICATION OR LICENSURE.—Increasing the pass rate for initial State teacher certification or licensure, or increasing the number of highly competent individuals being certified or licensed as teachers through traditional and alternative programs.

"(5) DECREASING TEACHER SHORTAGES.—Decreasing shortages of qualified teachers from underrepresented groups, in high-need academic subjects, in high-need services, in high-need areas, and in high-need schools.

"(6) INCREASING TEACHER RETENTION.—Increasing teacher retention in the first 3 years of a teacher's career.

"(7) INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach, and that promotes strong teaching skills.

"(8) TECHNOLOGY INTEGRATION.—Increasing the number of teachers trained in the appropriate use of technology as an instructional tool.

"(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership applying for a grant under section 203 shall establish and include in the application submitted under section 203, an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

"(1) increasing the percentage of highly qualified teachers;

"(2) improving academic achievement for all students;

"(3) increasing the pass rate for initial State teacher certification or licensure for individuals from traditional and alternative teacher preparation programs;

"(4) decreasing shortages of highly qualified teachers among underrepresented groups, in high-need academic subjects, in high-need services, in high-need areas, and in high-need schools;

"(5) increasing teacher retention in the first 3 years of a teacher's career;

"(6) increasing opportunities for enhanced and ongoing professional development that enables teachers already in the classroom and teacher educators to upgrade such teachers' and educators' skills and knowledge; and



“(7) increasing the number of teachers trained in the appropriate use of technology as an instructional tool.

“(c) REVOCATION OF GRANT.—

“(1) REPORT.—Each eligible State or eligible partnership receiving a grant under this part shall report annually to the Secretary on the progress of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

“(2) REVOCATION.—

“(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—If the Secretary determines that an eligible State or eligible applicant (as defined under section 204 or 205) is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of a grant under this part, then the grant payment shall not be made for the third year of the grant.

“(B) ELIGIBLE PARTNERSHIPS.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

“(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report the Secretary's findings regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

#### “SEC. 208. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

“(a) HIGH-QUALITY TEACHER PREPARATION PROGRAM.—Each applicant for a grant under this part shall provide assurances that the applicant will provide prospective teachers with the following:

“(1) Knowledge of—

“(A) the arts and sciences;

“(B) the science of teaching and learning;

“(C) research on school impact on student learning; and

“(D) the academic content areas in which the teachers plan to teach.

“(2) Teaching skills that enable the teachers to—

“(A) enhance student academic achievement;

“(B) promote the ability of students to apply knowledge and research findings;

“(C) provide effective instruction in subject matter content;

“(D) implement ongoing assessment of student learning and the use of such assessment for evaluation of curriculum and instructional practices;

“(E) identify and address individual differences in ability and instructional needs;

“(F) address the instructional needs of students with limited-English proficiency and students with disabilities within both the general education and special education curricula;

“(G) employ effective classroom management strategies;

“(H) use technology effectively in the classroom; and

“(I) reflect on practices to improve teaching effectiveness and student learning.

“(3) Opportunities to—

“(A) apply the teachers' knowledge and skills in the classroom;

“(B) collaborate with colleagues, parents, community members, and other educators; and

“(C) work in partnership with parents to advance their children's education.

“(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—Each State that receives funds under this Act shall provide to the Secretary, on an annual basis and in a uniform and comprehensible manner that conforms with the definitions and reporting methods developed by the State for teacher preparation programs, a State report card on the quality of teacher preparation in the State, which shall include at least the following:

“(1) A description of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State. Such assessments shall—

“(A) be used for purposes for which such assessments are valid and reliable;

“(B) be consistent with relevant, nationally recognized professional and technical standards;

“(C) be aligned with the reporting requirements of this section and section 207; and

“(D) allow for accurate and consistent reporting on teacher preparation programs.

“(2) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State. Such standards and criteria shall incorporate the qualifications specified in subsection (a).

“(3) A description of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

“(4) The percentage of prospective teachers who have completed 100 percent of the coursework required by a teacher preparation program at an institution of higher education or alternative certification program and who have taken and passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment, both of which shall be made available widely and publicly.

“(5) Information on the extent to which teachers in the State are given waivers of State certification or licensure requirements, including the proportion of such teachers distributed across high- and low-poverty school districts and across subject areas.

“(6) A description of each State's alternative routes to teacher certification, if any, and standards and criteria used by the State for certification or licensure, including indicators of teacher candidate skills and academic content knowledge and of evidence of gains in student academic achievement, and the number and percentage of teachers certified through each alternative route who pass State teacher certification or licensure assessments.

“(7) For each State, a description of proposed criteria for assessing the performance of teacher preparation programs in the State, including indicators of candidate academic content knowledge and teaching skills.

“(8) For each teacher preparation program in the State, the number of prospective teachers in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time and part-time faculty, excluding graduate students and clinical supervisors who are not on faculty, and prospective teachers in supervised practice teaching.

“(9) Information on the extent to which teachers or prospective teachers in each State are required to take examinations or other assessments of their subject matter knowledge in the area or areas in which the teachers provide instruction, the standards established for passing any such assessments, and the extent to which teachers or prospective teachers are required to receive a passing score on such assessments in order to teach in specific subject areas or grade levels.

“(10) Information on the data systems developed or expanded by the State under section 202(d)(2), including a description of the systems and an analysis of procedures used by the State regarding such systems.

“(11) Information on pilot studies conducted under section 202(d)(1)(B)(iii), if applicable, including a list of teacher preparation programs (including alternative routes to certification) that participated in such studies, the procedures used to provide evidence that graduates of teacher preparation programs (including those who complete alternative routes to certification) are effective at improving student achievement, and other findings relevant to the impact of teacher preparation programs on student achievement.

“(c) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

“(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (11) of subsection (b). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published, and made available annually.

“(2) REPORT TO CONGRESS.—The Secretary shall report to Congress—

“(A) a comparison of States' efforts to improve teaching quality;

“(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure;

“(C) a description of data systems developed or expanded by States pursuant to section 202(d)(2) and an analysis of procedures used in different States regarding such systems; and

“(D) a description of pilot studies undertaken by States pursuant to section 202(d)(1)(B)(iii) and an analysis of procedures used in different States regarding such studies.

“(3) SPECIAL RULE.—In the case of teacher preparation programs with fewer than 10 prospective teachers who have completed 100 percent of the coursework required by a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

“(4) DATABASE.—The Secretary shall collect data and develop a national and public database that provides reports on States' passage rates on certification and licensure assessments, the placement rates for teacher preparation programs, the percentage of full-time faculty in institutions of higher education in each State who teach classes offered by a school, college, or department of education, the tracking of graduates 5 years after graduating from a teacher preparation program, and other relevant information, as appropriate.

“(d) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this

part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

“(e) INSTITUTIONAL AND PROGRAM REPORT CARDS ON QUALITY OF TEACHER PREPARATION.—

“(1) REPORT CARD.—Each institution of higher education or alternative certification program that conducts a teacher preparation program that enrolls prospective teachers receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and reporting methods developed by the State for teacher preparation programs, the following information:

“(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate for each prospective teacher who has completed 100 percent of the coursework required by the teacher preparation program on the teacher certification or licensure assessments of the State in which the institution or alternative certification program is located, but only for those prospective teachers who took those assessments within 3 years of completing the coursework.

“(ii) A comparison of the institution's or alternative certification program's pass rate for prospective teachers who have completed 100 percent of the coursework at the teacher preparation program with the average pass rate for institutions and alternative certification programs in the State.

“(iii) In the case of teacher preparation programs with fewer than 10 graduates who have completed 100 percent of the coursework required by the program taking any single initial teacher certification or licensure assessment during an academic year, the institution or alternative certification program shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

“(B) PROGRAM INFORMATION.—The number of prospective teachers in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and prospective teachers in supervised practice teaching.

“(C) STATEMENT.—In States that require approval or accreditation of teacher education programs, a statement of whether the institution's teacher preparation program or alternative certification program's teacher preparation program is so approved or accredited, by the State and any other entities, as applicable.

“(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 209(a).

“(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's or alternative certification program's teacher preparation program graduates, including materials sent by electronic means.

“(3) FINES.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed \$25,000 on an institution of higher education or an alternative certification program for failure to provide the information described in this subsection in a timely or accurate manner.

“(f) DATA QUALITY.—The eligible State shall attest annually, in writing, as to the reliability, validity, integrity, and accuracy

of the data submitted pursuant to this section.

“(g) NATIONAL ACADEMY OF SCIENCES CORE CURRICULUM STUDY.—

“(1) IN GENERAL.—The Secretary shall seek to enter into a contract with the National Academy of Sciences to conduct a 2-year study to develop a suggested core curriculum for States to use as guidance when developing their program standards for teacher preparation programs in their State. The core curriculum shall address the pedagogical requirements of teacher preparation programs and assist those within the education profession and prospective teachers to understand what prospective teachers need to know to become effective teachers.

“(2) DOMAINS OF FOUNDATIONAL AND PEDAGOGICAL KNOWLEDGE.—The study conducted pursuant to paragraph (1) shall include each of the following domains of foundational and pedagogical knowledge:

“(A) Learning, which would include building on existing knowledge and experience shaped by social and cultural context in the community and in the classroom.

“(B) Human development, which would include how children and adolescents think and behave, taking in account different ages, contexts, and learning styles.

“(C) Assessment, which would include the introduction of standards-based reform.

“(D) Teaching skills, which would include providing all teachers with the tools needed to be successful in the classroom and to meet the instructional needs of students with disabilities and students with limited-English proficiency.

“(E) Reading instruction, which would include taking in account different ages, contexts, and learning styles.

“(3) BEST RESEARCH; SUGGESTED TRAINING.—The suggested core curriculum developed pursuant to paragraph (1) shall—

“(A) reflect the best research into how students learn, on content-specific methods shown to be effective with students, and on effective gap-closing criteria; and

“(B) include preparation in working with diverse populations, interacting with parents, assessing classroom performance, and managing student behavior.

“(4) COLLABORATION.—

“(A) IN GENERAL.—In conducting the study under paragraph (1), the National Academy of Sciences shall collaborate with interested parties in developing the suggested core curriculum.

“(B) INTERESTED PARTIES.—In this paragraph, the term ‘interested parties’ means—

“(i) college presidents;

“(ii) deans of teacher education programs;

“(iii) teacher preparation faculty;

“(iv) chief State school officers;

“(v) school superintendents;

“(vi) teacher organizations;

“(vii) exemplary teachers;

“(viii) teacher preparation accrediting organizations;

“(ix) nonprofit education organizations;

“(x) organizations or associations representing the scientific disciplines associated with teaching and learning; and

“(xi) other entities determined appropriate by the National Academy of Sciences.

“SEC. 209. STATE FUNCTIONS.

“(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall develop a procedure to identify, and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at-risk of being placed on such list. Such levels of performance shall

be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 208(b).

“(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program based upon the State assessment described in subsection (a)—

“(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education;

“(2) shall not be permitted to accept or enroll any prospective teacher who receives aid under title IV of this Act in the institution's teacher preparation program; and

“(3) shall provide transitional support, including remedial services if necessary, for prospective teachers enrolled at the institution at the time of termination of financial support or withdrawal of approval.

“(c) NEGOTIATED RULEMAKING.—The Secretary shall engage in a negotiated rulemaking process with representatives of States, institutions of higher education, and educational and student organizations when developing regulations to carry out subsection (b)(2).

“SEC. 210. GENERAL PROVISIONS.

“(a) METHODS.—In complying with sections 208 and 209, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods protect the privacy of individuals.

“(b) SPECIAL RULE.—For each State in which there are no State certification or licensure assessments, or for States that do not set minimum performance levels on those assessments—

“(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

“(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments or pass rates.

“(c) NATIONAL SYSTEM OF TEACHER CERTIFICATION PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.

“(d) RELEASE OF INFORMATION TO TEACHER PREPARATION PROGRAMS.—

“(1) IN GENERAL.—For the purpose of improving teacher preparation programs, a State educational agency shall provide to a teacher preparation program, upon the request of the teacher preparation program, any and all pertinent education-related information that—

“(A) may enable the teacher preparation program to evaluate the effectiveness of the program's graduates or the program itself; and

“(B) is possessed, controlled, or accessible by the State educational agency.

“(2) CONTENT OF INFORMATION.—The information described in paragraph (1)—

“(A) shall include an identification of specific individuals who graduated from the teacher preparation program to enable the teacher preparation program to evaluate the information provided to the program from the State educational agency with the program's own data about the specific courses taken by, and field experiences of, the individual graduates; and

“(B) may include—

“(i) kindergarten through grade 12 academic achievement and demographic data, without individual identifying information, for students who have been taught by graduates of the teacher preparation program; and

“(ii) teacher effectiveness evaluations for teachers who graduated from the teacher preparation program.

“(3) **PRIVACY.**—Actions taken pursuant to paragraph (1) shall not be considered a violation of section 444 of the General Education Provisions Act or of the individual's privacy pursuant to any other provision of law. Any information obtained by a teacher preparation program in accordance with this section shall be considered a part of the graduate's education records and shall be protected as such.

**“SEC. 211. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this part \$500,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

“(1) 20 percent shall be available for each fiscal year to award grants under section 202;

“(2) 60 percent shall be available for each fiscal year to award grants under section 203; and

“(3) 20 percent shall be available for each fiscal year to award grants under section 204.”.

(b) **PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY.**—Part B of title II of the Higher Education Act of 1965 (20 U.S.C. 1041 et seq.) is amended to read as follows:

**“PART B—PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY**

**“SEC. 221. PURPOSE AND PROGRAM AUTHORITY.**

“(a) **PURPOSE.**—It is the purpose of this part to assist consortia of public and private entities—

“(1) to carry out programs that prepare prospective teachers to use advanced technology to prepare all students to meet challenging State and local academic content and student academic achievement standards; and

“(2) to improve the ability of institutions of higher education to carry out such programs.

“(b) **PROGRAM AUTHORITY.**—

“(1) **IN GENERAL.**—The Secretary is authorized to award grants to eligible applicants, or enter into contracts or cooperative agreements with eligible applicants, on a competitive basis in order to pay for the Federal share of the cost of projects to develop or redesign teacher preparation programs to enable prospective teachers to use advanced technology effectively in their classrooms.

“(2) **DISTRIBUTION.**—In awarding grants, or entering into contracts or cooperative agreements under this part, the Secretary shall ensure an equitable distribution of financial assistance among eligible applicants located in urban and rural areas of the United States.

“(3) **PERIOD OF AWARDS.**—The Secretary may award grants, or enter into contracts or cooperative agreements, under this part for periods that are not more than 5 years in duration.

**“SEC. 222. ELIGIBILITY.**

“(a) **ELIGIBLE APPLICANTS.**—In order to receive a grant or enter into a contract or cooperative agreement under this part, an applicant shall be a consortium that includes the following:

“(1) At least 1 institution of higher education that awards baccalaureate degrees and prepares teachers for their initial entry into teaching.

“(2) At least 1 State educational agency or local educational agency.

“(3) One or more of the following entities:

“(A) An institution of higher education (other than the institution described in paragraph (1)).

“(B) A school or department of education at an institution of higher education.

“(C) A school or college of arts and sciences (as defined in section 201) at an institution of higher education.

“(D) A professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity, with the capacity to contribute to the technology-related reform of teacher preparation programs.

“(b) **APPLICATION REQUIREMENTS.**—In order to receive a grant or enter into a contract or cooperative agreement under this part, an eligible applicant shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include the following:

“(1) A description of the proposed project, including how the project would—

“(A) ensure that individuals participating in the project would be prepared to use advanced technology to prepare all students, including groups of students who are underrepresented in technology-related fields and groups of students who are economically disadvantaged, to meet challenging State and local academic content and student academic achievement standards; and

“(B) improve the ability of at least 1 participating institution of higher education described in section 222(a)(1) to ensure such preparation.

“(2) A demonstration of—

“(A) the commitment, including the financial commitment, of each of the members of the consortium for the proposed project; and

“(B) the active support of the leadership of each organization that is a member of the consortium for the proposed project.

“(3) A description of how each member of the consortium will participate in project activities.

“(4) A description of how the proposed project will be continued after Federal funds are no longer awarded under this part for the project.

“(5) A plan for the evaluation of the project, which shall include benchmarks to monitor progress toward specific project objectives.

“(c) **MATCHING REQUIREMENTS.**—

“(1) **IN GENERAL.**—The Federal share of the cost of any project funded under this part shall not exceed 50 percent. Except as provided in paragraph (2), the non-Federal share of the cost of such project may be provided in cash or in kind, fairly evaluated, including services.

“(2) **ACQUISITION OF EQUIPMENT.**—Not more than 10 percent of the funds awarded for a project under this part may be used to acquire equipment, networking capabilities, or infrastructure, and the non-Federal share of the cost of any such acquisition shall be provided in cash.

**“SEC. 223. USE OF FUNDS.**

“(a) **REQUIRED USES.**—A consortium that receives a grant or enters into a contract or cooperative agreement under this part shall use funds made available under this part for—

“(1) a project creating 1 or more programs that prepare prospective teachers to use advanced technology to prepare all students, including groups of students who are underrepresented in technology-related fields and groups of students who are economically disadvantaged, to meet challenging State and local academic content and student academic achievement standards; and

“(2) evaluating the effectiveness of the project.

“(b) **PERMISSIBLE USES.**—The consortium may use funds made available under this part for a project, described in the application submitted by the consortium under this part, that carries out the purpose of this part, such as the following:

“(1) Developing and implementing high-quality teacher preparation programs that enable educators—

“(A) to learn the full range of resources that can be accessed through the use of technology;

“(B) to integrate a variety of technologies into curricula and instruction in order to expand students' knowledge;

“(C) to evaluate educational technologies and their potential for use in instruction;

“(D) to help students develop their technical skills; and

“(E) to use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

“(2) Developing and implementing high-quality teacher preparation programs that prepare educators in—

“(A) the uses and application of technology, including universally designed technologies, assistive technology devices, and assistive technology services; and

“(B) maximizing access for students with disabilities to participate in the general education curriculum through the use of such technology.

“(3) Developing alternative teacher development paths that provide elementary schools and secondary schools with well-prepared, technology-proficient educators.

“(4) Developing achievement-based standards and assessments aligned with the standards to measure the capacity of prospective teachers to use technology effectively in their classrooms.

“(5) Providing technical assistance to entities carrying out other teacher preparation programs.

“(6) Developing and disseminating resources and information in order to assist institutions of higher education to prepare teachers to use technology effectively in their classrooms.

“(7) Subject to section 222(c)(2), acquiring technology equipment, networking capabilities, infrastructure, software, and digital curricula to carry out the project.

**“SEC. 224. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this part—

“(1) \$200,000,000 for fiscal year 2004; and

“(2) such sums as may be necessary for each of the 5 succeeding fiscal years.”.

(c) **CENTERS OF EXCELLENCE.**—

(1) **IN GENERAL.**—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

**“PART C—CENTERS OF EXCELLENCE**

**“SEC. 231. PURPOSES; DEFINITIONS.**

“(a) **PURPOSES.**—The purposes of this part are—

“(1) to help recruit, prepare, and retain teachers, including minority teachers, to meet the national demand for a highly qualified teacher in every classroom;

“(2) to help recruit, prepare, and retain principals (including minority principals and assistant principals) to address the shortage of principals in our Nation's public elementary schools and secondary schools; and

“(3) to increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers and principals.

“(b) **DEFINITIONS.**—In this part:

“(1) **ELIGIBLE INSTITUTION.**—The term ‘eligible institution’ means—

“(A) an institution of higher education—  
“(i) that has a teacher preparation program that meets the requirements of such a program under section 203(b)(2);

“(ii) that is—

“(I) a part B institution (as defined in section 322);

“(II) a Hispanic-serving institution (as defined in section 502);

“(III) a Tribal College or University (as defined in section 316);

“(IV) an Alaska Native-serving institution (as defined in section 317);

“(V) a Native Hawaiian-serving institution (as defined in section 317); or

“(VI) an institution determined by the Secretary to have enrolled a substantial number of minority, low-income students during the previous academic year who received assistance under subpart 1 of part A of title IV for that year; and

“(iii) that has not received a grant under this part during the 5-year period preceding the date the institution applies for a grant under this part;

“(B) a consortium of institutions described in subparagraph (A); or

“(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 232 is located at an institution described in subparagraph (A).

“(2) HIGHLY QUALIFIED.—The term ‘highly qualified’ has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(3) SCIENTIFICALLY BASED RESEARCH.—The term ‘scientifically based research’ has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(4) TEACHING SKILLS.—The term ‘teaching skills’ means skills—

“(A) grounded in the science of teaching and learning that teachers use to create effective instruction in subject matter content and that lead to student achievement and the ability to apply knowledge; and

“(B) that require an understanding of the learning process itself, including an understanding of—

“(i) the use of strategies specific to the subject matter;

“(ii) ongoing assessment of student learning and the use of such assessment for evaluation of curriculum and instructional practices;

“(iii) identification of individual differences in ability and instructional needs;

“(iv) the use of strategies that will meet the instructional needs of students with disabilities and students with limited-English proficiency;

“(v) classroom management; and

“(vi) interaction with parents and others to promote student learning.

#### “SEC. 232. CENTERS OF EXCELLENCE.

“(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary shall award competitive grants to eligible institutions to establish centers of excellence.

“(b) APPLICATION.—Any eligible institution desiring a grant under this part shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information the Secretary may require.

“(c) USE OF FUNDS.—

“(1) REQUIRED USES.—An eligible institution that receives a grant under this part shall use the grant funds to establish a center of excellence that shall ensure that current and future teachers are highly qualified, by carrying out 1 or more of the following activities:

“(A) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research, and are able to use advanced technology effectively in the classroom, including use of instructional techniques to improve student academic achievement, by—

“(i) developing and implementing programs that enhance the competencies of faculty to reflect advances in theory, research, and practice; and

“(ii) designing or redesigning teacher preparation programs that—

“(I) prepare teachers to close student achievement gaps;

“(II) prepare teachers to utilize scientifically based research and rigorous academic content and to teach rigorous academic content and challenging State academic content standards; and

“(III) promote strong teaching skills.

“(B) Providing sustained and high-quality preservice clinical experience, including the mentoring of prospective teachers and principals by exemplary teachers and principals, respectively; substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools; providing support, including preparation time, for such interaction.

“(C) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, particularly minority teachers and principals, including programs that provide—

“(i) teacher or principal mentoring from exemplary teachers or principals, respectively; or

“(ii) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

“(2) PERMISSIBLE USES.—An eligible institution that receives a grant under this part may use a portion of the grant funds to carry out 1 or more of the following activities:

“(A) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program or principal preparation program.

“(B) Disseminating information on effective practices for teacher preparation and induction and successful teacher certification and licensure assessment preparation strategies.

“(C) Disseminating information on effective practices for principal preparation, successful principal certification and licensure preparation strategies, and successful principal induction.

“(D) Activities authorized under sections 202, 203, and 204.

“(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this part shall be \$500,000.

“(e) DURATION.—Grants awarded under this part shall be for a period of 3 years.

“(f) DISBURSEMENT.—An eligible institution that receives a grant under this part shall receive—

“(1) 60 percent of the grant award during the first year of the grant period;

“(2) 25 percent of the grant award during the second year of the grant period; and

“(3) 15 percent of the grant award during the third year of the grant period.

“(g) MATCHING REQUIREMENT.—

“(1) IN GENERAL.—Each eligible institution that receives a grant under this part shall provide matching funds, from non-Federal sources that may be in cash or in the form of in-kind contributions, in an amount equal to—

“(A) 25 percent of the grant award for the first year of the grant;

“(B) 35 percent of the grant award for the second year of the grant; and

“(C) 50 percent of the grant award for the third year of the grant.

“(2) WAIVER.—The Secretary may waive the matching requirement under paragraph (1) for an eligible institution if the Secretary determines, based on regulations promulgated by the Secretary, that such requirement would be a financial burden for such institution.

“(h) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this part may use not more than 2 percent of the grant funds for purposes of administering the grant.

“(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this part.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

“(1) \$10,000,000 for fiscal year 2004; and

“(2) such sums as may be necessary for each of the 5 succeeding fiscal years.”.

(2) TRANSITION.—The Secretary of Education shall take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this subsection.

#### THE CAPACITY TO LEARN FOR ALL STUDENTS AND SCHOOLS (CLASS) ACT OF 2004

Senator Bingaman's CLASS Act is designed to strengthen the Teacher Quality Enhancement Grants program of the Higher Education Act by expanding the capacity of teachers and schools to offer all students the quality of instruction they need and deserve.

What will the CLASS Act accomplish? This capacity-enhancing act will:

Ensure that all teachers are highly qualified, have strong teaching skills, understand scientifically based research and its applicability, and can use technology effectively in the classroom.

Empower teachers and schools to provide access for all students to a high-quality general education curriculum, including students with disabilities and limited-English proficiency.

Better prepare students for postsecondary education and a competitive workforce.

Enhance the ability of schools, districts, and states to collect, analyze, and utilize data to improve schools and programs and to fulfill the requirements of No Child Left Behind and the Higher Education Act.

How will the CLASS Act accomplish these goals? The CLASS Act provides the following capacity-building resources:

Data systems designed to improve public education, including enhancing teacher preparation programs. State educational agencies can apply for new Data Systems Grants that enable them to develop data systems that have the capacity to integrate and coordinate individual student data from educational and employment settings; to conduct analyses necessary for evaluating programs and policies and identifying best practices; and to facilitate alignment among schools, institutions of higher education, and employment settings.

Academic Teaching Centers that feature a model teaching laboratory: a setting for the integration of education and training, research, and evidence-based practice for teacher candidates, university professors, and master teachers.

A Professional Development Program that encourages innovation by allowing states to pursue alignment with National Board for Professional Teaching Standards, a tiered licensure system, multiple career paths, and opportunities for professional growth.

A Rural Education Recruitment and Retention Program designed to address the needs of rural districts by funding a range of recruitment strategies, such as tuition and housing assistance, and retention strategies, such as mentoring programs and professional development.

Centers of Excellence that will increase minority teacher recruitment, development, and retention.

Rigorous standards for teacher certification or licensure to ensure that all prospective teachers meet the same high state standards.

Strengthened accountability through improved assessment procedures for teacher certification or licensure that are valid and reliable, are aligned with reporting requirements, and allow for accurate and consistent reporting.

A state-level needs assessment to identify areas of greatest need and to ensure the effective use of federal funds.

By Mr. CORZINE (for himself, Mr. LAUTENBERG, and Mr. DURBIN):

S. 2341. A bill to amend the Health Care Quality Improvement Act of 1986 to expand the National Practitioner Data Bank; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today to introduce legislation, the Safe Healthcare Reporting (SHARE) Act, which Senator LAUTENBERG and I have developed to add nurses and other licensed health care professionals to the National Practitioner Databank.

In 1986, Congress passed legislation that established a national databank, the National Practitioner Databank (NPDB), to track licensing, disciplinary, and medical malpractice actions taken against U.S. physicians. While the NPDB has served as an important source of information on physicians, it fails to incorporate critical information on millions of non-physician licensed health care professionals, including nurses.

The recent case of Charles Cullen, a New Jersey nurse who has claimed responsibility for as many as 40 murders carried out at multiple hospitals in New Jersey and Pennsylvania over the last decade, has highlighted the need for a national reporting system on nurses and other licensed health professionals. As the health care workforce becomes increasingly mobile, such a system would be an invaluable resource to health care employers seeking information on potential employees.

The SHARE Act will help break the chain of silence currently plaguing our health care system. This chain of silence prevented critical employment history on Cullen—including five firings and at least one suspension—from ever reaching his future employers. While Charles Cullen kept killing people, hospitals kept hiring him. They didn't know his history. They didn't understand the risk he posed to patients. This is because hospitals and other employers are reluctant to share employee information because they are afraid of being sued.

The goal of our legislation is to make sure that hospitals know—to make sure that employers have access to critical information on health care practitioners. It will ensure that adverse employment actions, licensing and disciplinary actions, and criminal background information are available to all health care employers. The SHARE Act mandates that hospitals and other health care entities report adverse employment actions taken against employees who violate professional standards of conduct. This would include things like drug diversion and falsification of documents.

Importantly, the legislation protects health care employers from suit when they, in good faith, report information that they believe is truthful. Any employer who reports false information in an effort to smear a nurse's record would receive no protection under our bill. In fact, anyone who abused the information reported to the databank would be fined by the Federal Government.

Health care employers, such as hospitals and nursing homes, would be required to report to the National Practitioner Databank, which currently provides such information on physicians. They would also be required to report to the appropriate state licensing board. In turn the State licensing board would report the results of its investigations and licensing or disciplinary actions to the databank. The legislation also encourages nurses and other health care professionals to report suspected activities to state boards by providing whistleblower protections to those individuals.

The SHARE Act also ensures that a practitioner who is subject to reporting is informed of the report, offered a hearing on the issue, and allowed to comment on the report.

I believe that this legislation is a critical first step toward improving access to important information on our health care workforce. Since 1986, the Federal Government has required hospitals to report employment information on physicians. It's time we include nurses and other health care professionals that provide direct patient care. In fact, the average nurse spends more time at a patient's bedside than the patient's physician. We simply must ensure that the person at the bedside is competent and professional.

I look forward to working with my colleagues on both sides of the aisle to move this bill through Congress and get it to the President's desk. We must and we can improve patient safety and the integrity of our health care system. This bill takes an important step toward that goal.

Mr. LAUTENBERG. Mr. President, I rise to join my colleague, Senator CORZINE, in introducing the Safe Healthcare Reporting (SHARE) Act.

The first rule of the medical profession is "do no harm." Unfortunately, Charles Cullen spent his career doing harm to people in New Jersey and Pennsylvania.

The overwhelming majority of nurses are excellent practitioners of medicine who save countless lives every day. Nurse Cullen is the exception—not the rule—he was a bad apple of the worst kind.

As many as 40 people died as a result of Charles Cullen's actions. He did it at different hospitals in different States. But no one put the pieces of the puzzle together for decades.

That is why the legislation Senator CORZINE and I are introducing is so important. This legislation adds nurses to the centralized, national data bank of medical errors and misconduct. Our bill will require hospitals to notify state nursing boards—and the national data bank—if they launch an investigation into an employee—something Senator CORZINE and I believe is badly needed. The bill also requires hospitals to reference the national database when hiring nurses and other licensed health care professionals.

We must prevent more people like Charles Cullen from becoming nurses in the future. The vast majority of nurses out there are dedicated professionals, but we need a way to track and monitor the few who are using the profession as a means to commit terrible crimes. It makes no sense to allow a medical professional to go from job to job, leaving under suspicious circumstances, with virtually no means of detection.

Cullen's ability to perpetrate such despicable acts against patients highlights serious flaws in our current system. The system let this man slip through the cracks and continue to work as a professional healthcare provider even as investigations of his killings at previous employers were being launched. This is appalling.

Patient safety must always be at the forefront. Our bill will close the holes in this system and make it harder for people like Charles Cullen to commit such horrific crimes in the future.

I look forward to working in a bipartisan fashion to further this important legislation.

By Mr. WARNER:

S. 2342. A bill to designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Seng Mountain and Crawfish Valley Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. WARNER. Mr. President, I rise today to introduce an important piece of legislation for my State, the Virginia Ridge and Valley Wilderness and National Scenic Areas Act of 2004. This bill will add four new wilderness areas, five additions to existing wilderness areas, and two National Scenic Areas to the Jefferson National Forest. Congressman RICK BOUCHER is introducing companion legislation in the United States House of Representatives.

It is no coincidence that I introduce this legislation on Earth Day, a time when we can reflect on our natural world and the obligations we have to protect the earth which provides so richly for us. Throughout my career in the United States Senate, I have strived to preserve Virginia's natural resources and heritage through the designation of wilderness areas. In fact, I have worked to pass three wilderness bills through Congress. I stood here not four years ago and introduced a bill that added two exceptional areas in the George Washington National Forest to the wilderness system. With the help of many, that legislation is now law, and Virginia has approximately 100,434 acres of designated wilderness lands.

However, there is still work to be done. Within the Jefferson National Forest, designated wilderness areas total only 7 percent of the total forest acreage. The enactment of this legislation will substantially increase our opportunities for uninterrupted enjoyment in the forest with the addition of nearly 29,000 acres of new wilderness areas and almost 12,000 acres of national scenic areas.

Virginia is blessed with great beauty and natural diversity. From the complex ecosystem of the Chesapeake Bay, to the exquisite vistas, streams, vegetation, and wildlife of the Shenandoah Mountains, residents and visitors alike can enjoy a bountiful array of natural treasures. As demand for development in Virginia increases, it becomes incumbent upon Congress to act expeditiously to protect these wild lands. Through wilderness and national scenic area designations, we can ensure that these areas retain their primeval character and influences.

I consider myself an avid outdoorsman, and I enjoy opportunities for recreation. I want to stress the many activities that will continue to occur in these wilderness areas, including: hunting, fishing, hiking, camping, canoeing, and horseback riding, to name a few. In addition, the Wilderness Act is flexible and provides for reasonable local forest management and emergency services in wilderness areas, such as the use of motorized equipment and aircraft for search and rescue operations; or to combat fire, insects and disease.

I am particularly pleased to include in the legislation an authorization for the establishment of a non-motorized trail between County Route 650 and Forest Development Road 4018 outside of the new Raccoon Branch Wilderness area. This trail will follow the historic Rye Valley Railroad Grade and will be a popular route for mountain bikers, equestrians and hikers. In addition, this bill directs the Forest Service to develop trail plans for the wilderness and national scenic areas.

As a father and a grandfather, I feel a weighty obligation to ensure that our children have lasting opportunities to enjoy Virginia's immense natural beauty and diversity. This legislation is a

crucial step in our quest to preserve these lovely areas for the enjoyment and use of future generations.

By Mr. CONRAD (for himself and Mrs. LINCOLN):

S. 2343. A bill to amend title XVIII of the Social Security Act to improve the medicare program, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, today, I am being joined by Senator BLANCHE LINCOLN in introducing the Medicare Prescription Drug Improvement Act (MEND) of 2004, which aims to make various improvements to the recently enacted Medicare Prescription Drug, Modernization, and Improvement Act of 2003 (H.R. 1).

I said when we passed H.R. 1 that we could do better for seniors and that I would keep pushing to improve the Medicare drug bill. This bill is an important first step in that effort. It provides a better, more stable prescription drug benefit and lowers the costs of drugs for seniors. It also removes the giveaways to health plans and it will reduce the deficit. In short, this bill is a win for seniors, a win for good government, and a win for taxpayers.

I supported the new Medicare law, but this was not an easy decision. While this legislation takes important steps to add a drug benefit to the Medicare program and makes needed provider payment reforms, this legislation has many flaws that must be addressed. The legislation I am unveiling today takes steps in this direction.

Before I describe this new effort, I'd first like to highlight why I believe supporting the Medicare bill was the right decision, particularly for Medicare beneficiaries in my home State of North Dakota.

The first—and most basic—reason I supported this legislation is because it takes critical steps to add a drug benefit to the Medicare program. This benefit will provide America's seniors—for the first time—the opportunity to receive help with their medication costs. If seniors are satisfied with their current health care coverage, they do not have to sign up for this new benefit. But if they need extra help covering their prescription costs, the new Medicare drug benefit offers an important coverage option.

The second major reason I supported this legislation is because it provides a very generous benefit for lower-income seniors with incomes below 150 percent of the Federal poverty. Under the legislation, about 40 percent of seniors in North Dakota will get the vast majority of their drugs covered, with minimal out-of-pocket costs. This extra assistance will make a critical difference to lower-income seniors in my State, many of whom have told me that they are often faced with the choice of paying for their medicines or paying for food, rent and other living costs. In my view, this is a choice that no senior citizen should be forced to make. The legislation we passed took important steps to address this problem.

In addition, the Medicare drug benefit will provide substantial assistance to those with catastrophic drug costs. Specifically, after a beneficiary spends \$3,600 out-of-pocket, Medicare will pick up 95 percent of the cost. This catastrophic coverage is an important component of the bill, which we estimate will help nearly 11 percent of North Dakota seniors better afford high-cost medications.

As we move forward on implementing this new benefit, it is my strong hope that it will improve health care coverage for the millions of seniors across the Nation who are struggling to afford life-saving and life-enhancing medications.

Finally, another major reason that I supported the Medicare bill is that it includes a whole host of rural provider payment reforms that I authored along with Senator CRAIG THOMAS from Wyoming and Representative EARL POMEROY from my State of North Dakota. These measures take important steps to address payment disparities that were causing rural health care providers to receive significantly less reimbursement than their urban counterparts. Over the next 10 years, these payment changes will improve funding to the rural health care system by more than \$20 billion. It is my hope that these important provisions will help ensure health care providers can continue offering quality and affordable health care services to rural communities in my State and across the Nation.

Those are positive aspects of the recently enacted Medicare legislation. But, as I said when we passed it, the bill also had a number of significant flaws. The bill I am introducing today addresses these flaws and makes some important improvements to the new Medicare law.

To be clear, my new legislation does not include every change I would like to make to the Medicare law. To do that, we would need to spend hundreds of billions of dollars. Given the Federal budget deficit we are facing, this is simply not possible.

But it is possible to make some common-sense improvements to the bill. And that is what my legislation does. Let me describe it in further detail.

The first area of my bill will include new measures to reduce the costs of prescription drugs. We know that drug costs have skyrocketed over the last few years. This is a real problem for seniors and others across the Nation who are having increasing trouble affording their medications.

It is also a problem for the Medicare program, which will face increasing cost pressures when we add the new drug benefit. Given this situation, we must take steps to reduce and control drug costs. My legislation would do that in two ways.

First, it would allow pharmacists and licensed wholesalers to reimport less expensive drugs from Canada. The Medicare bill gives the Department of

Health and Human Services authority to allow this reimportation, but it put roadblocks in place that will effectively ensure reimportation never happens.

My bill would remove these roadblocks and allow reimportation to begin immediately. If at any time a reimported drug is found to be unsafe, the Secretary would have authority to immediately suspend reimportation of this product.

The second thing my bill would do to reduce costs is to allow the Secretary of HHS to negotiate with drug companies to lower the costs of medications in the new drug benefit.

As my colleagues know, the Medicare law specifically prohibits the Secretary from directly negotiating with pharmaceutical companies to lower drug prices. We know that allowing the government to negotiate in other programs, like the VA, has significantly lowered costs. There's no reason we shouldn't also allow it in the new Medicare drug benefit.

In addition to taking steps to reduce drug costs, my legislation also includes measures to improve the stability of the Medicare drug benefit.

Under the new Medicare benefit, I am concerned that seniors may face different drug costs, different drug formularies, and different approved pharmacies as they switch from plan-to-plan every year. If we know anything, we know that seniors want certainty.

One way to fix this is to allow seniors to stay in the drug plan of their choice for more than 1 year—even if it is a "government fallback plan." My legislation includes this change.

Another shortfall of the new Medicare law is that it prohibits seniors from purchasing supplemental insurance to assist with costs not covered by the new benefit. My legislation would lift this restriction and give seniors another choice for covering their medication costs.

Beyond that, my legislation also includes new measures to ensure seniors retain access to the local pharmacy of their choice. In many communities, the local pharmacist is the most accessible source of health care services. Given this, my bill contains measures to protect local pharmacy services.

Specifically, it would require that the Medicare program allow seniors to go to their local pharmacy to get their prescriptions filled, rather than forcing them to receive their drugs by mail-order or forcing them to go to a pharmacy in a nursing home or hospital that may not be as accessible. My hope is that this provision would ensure that seniors can continue to visit their local pharmacist.

My legislation would also authorize \$500 million that could be used to help pharmacists cover the costs of educating seniors about the new drug plan choices. This funding would provide pharmacists a one-time payment for providing information to seniors as they enroll in the new benefit.

My bill also includes other measures to provide seniors with better information about the new drug benefit. Specifically, it would require drug plans to provide seniors with detailed information about what drugs will be covered—before the seniors signs up. It also would require that plans inform seniors of any changes to these covered drugs—either through the telephone, by mail or on the Internet.

My legislation would also take other steps to protect seniors by repealing the premium support demonstration project that is set to begin in 2010. Although seniors will be able to choose whether they want to enter private plans under this demonstration, I believe it is a step in the wrong direction toward privatizing the program and could drive up premiums for those in fee-for-service. Given this, my bill will repeal this privatization demonstration.

Finally, my bill includes additional measures that will help reduce spending and protect the financial integrity of the Medicare program.

In particular, the legislation will include measures to expand the chronic care management demonstration project in the Medicare law.

Today, roughly 5 percent of seniors account for about 50 percent of the entire Medicare budget. The Medicare law will test providing coordinated care to these beneficiaries, which many believe will help improve quality of care and reduce costs. My legislation will build on this effort by providing additional resources to expand chronic care management to more areas of the country. I believe this will save money for Medicare and improve health outcomes for these seniors.

Finally, my new legislation will eliminate provisions in the Medicare law that provide unfair, extra payments to private plans. Specifically, it will repeal a new \$8.9 billion taxpayer subsidy to bring more private plans into the market. It will also address inequities that currently allow HMOs to receive significantly higher payments than traditional Medicare—for serving the exact same patient. These policies are simply a waste of money.

According to unofficial estimates by the Congressional Budget Office, eliminating these private plan overpayments could result in significant cost savings. Under my plan, these cost savings would be used to reduce the Federal budget deficit, which has reached record levels this year.

This is a basic overview of the provisions that will be included in my new legislation—the Medicare Prescription Drug Improvement Act (the MEND Act).

I believe this legislation will take significant steps toward improving the new Medicare law. I would like to thank Senator LINCOLN for joining me in this effort and I look forward to working with my colleagues on this important legislation.

By Mrs. BOXER:

S. 2344. A bill to permit States to require insurance companies to disclose insurance information; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President, today I am introducing the Armenian Victims Insurance Fairness Act. This bill is the Senate companion to legislation introduced by Congressman ADAM SCHIFF, my good friend and colleague from the 29th District of California.

This legislation authorizes states to enact laws that require insurance companies to disclose and make public information about any policy issued in areas controlled by the Ottoman Empire between 1875 and 1923.

This week marks the 89th anniversary of the Armenian Genocide. Between 1915 and 1923, the Ottoman Empire conducted the first Genocide of the 20th Century, killing an estimated 1.5 million Armenians and displacing thousands more. The campaign was so devastating that at the beginning of World War I, there were 2.1 million Armenians living in the Ottoman Empire. Following the Genocide, fewer than 100,000 Armenians remained.

This legislation is important because survivors and descendants of the Armenian Genocide are still trying to recoup the benefits owed to them under the tens of thousands of insurance policies that were issued prior to the Genocide. According to a news report, one Californian has been attempting to collect on an insurance policy for 40 years, but has been stonewalled by the company that issued the policy.

Insurance policy documents were often destroyed during the Genocide, and death certificates were not issued to those Armenians who lost their lives. Therefore, survivors and descendants can only rely on the documents held by insurance companies as proof that they are owed benefits. Unfortunately, we have seen little cooperation from insurance companies on disclosing these documents and opening up their records.

This bill closely follows legislation that would help Jewish Holocaust survivors. Last year, the Supreme Court ruled that a California state law requiring the disclosure of insurance information related to Holocaust-era policies was unconstitutional—in part because of the Federal Government's responsibility to make foreign policy. I support pending legislation to allow States to pass laws requiring the disclosure of Holocaust-era policies.

My bill is designed to ensure that state laws to force insurance companies to disclose insurance information on policies related to the Armenian Genocide do not run into similar legal challenges.

It is an injustice to the memories of those slain during the Armenian Genocide that insurance companies have not paid the benefits owed to the survivors and victims of this tragic chapter of history. This legislation will help survivors and their families pursue these claims.



I urge my colleagues to support the Armenian Victims Insurance Fairness Act.

By Mr. DODD:

S. 2345. A bill to improve the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I come to the floor of the Senate today to introduce legislation, "The No Child Left Behind Reform Act." This legislation makes three basic changes to the No Child Left Behind Act which was signed into law in January of 2002.

The No Child Left Behind Act received the support of this Senator and 86 of our colleagues. Like most, if not all, of our colleagues who supported this bill, I supported it because I care about improving the quality of education in America for all of our children. I believed that this law would help to achieve that goal by establishing more rigorous standards for measuring student achievement, by helping teachers do a better job of instructing students, and last but not least, by providing the resources desperately needed by our schools for even the most basic necessities to help put the reforms we passed into place.

Regrettably, the high hopes that I and many others had for this law have not been realized. The law is being implemented by the Administration in a manner that is inflexible, unreasonable and unhelpful to students. Furthermore, the law is not only failing to help teachers do their best in the classroom, it reflects, along with other Administration policies and pronouncements, a neglect and even hostility towards members of the teaching profession.

Worse still, the Administration's promise of sufficient resources to implement No Child Left Behind's much needed reforms is a promise that has yet to be kept. Indeed, the current budget proposed by the Bush Administration underfunds No Child Left Behind by \$9.4 billion. Since passage slightly over 2 years ago, the law has been funded at a level that is more than \$26 billion below what was promised when the President signed the Act into law.

As a result of the failures of the current Administration to fulfill its commitment to our nation's school children under this law, those children and their teachers are today shouldering new and noteworthy hardships. Throughout the State of Connecticut, for example, students, teachers, administrators and parents are struggling to implement requirements that are often confusing, inflexible and unrealistic. And they are struggling to do so without the additional resources they were promised to put them into place.

As I have said on numerous occasions in the past, resources without reforms are a waste of money. By the same token, reforms without resources are a

false promise—a false promise that has left students and their teachers grappling with new burdens and little help to bear them.

The legislation I am introducing today proposed to make three changes to the No Child Left Behind Act. These changes will ease current burdens on our students, our teachers and our administrators without dismantling the fundamental underpinnings of the law.

First, the No Child Left Behind Reform Act will allow schools to be given credit for performing well on measures other than test scores when calculating student achievement. Test scores are an important measure of student knowledge. However, they are not the only measure. There are others as well. These include dropout rates, the number of students who participate in advanced placement courses, and measures of individual student improvement over time. Unfortunately, current law does not allow schools to use these additional measures in a constructive manner. Additional measures can only be used as a measure of how a school is failing, not how a school is succeeding. This legislation will allow schools to earn credit for succeeding.

Second, the No Child Left Behind Reform Act will allow schools to target school choice and supplemental services to the students that actually demonstrate a need for them. As the current law is being implemented by the Administration, if a school is in need of improvement it is expected to offer school choice and supplemental services to all students—even if not all students have demonstrated a need for them. That strikes me as a wasteful and imprecise way to help a school improve student performance. For that reason, this legislation will allow schools to target resources to the students that actually demonstrate that they need them. Clearly, this is the most efficient way to maximize their effect.

Finally, the No Child Left Behind Reform Act introduces a greater degree of reasonableness to the teacher certification process. As it is being implemented, the law requires teachers to be "highly qualified" to teach every subject that they teach. Certainly none of us disagree with this policy as a matter of principle. But as a matter of practice, it is causing confusion and hardship for teachers, particularly secondary teachers and teachers in small school districts. For example, as the law is being implemented by the Administration, a high school science teacher could be required to hold degrees in biology, physics and chemistry to be considered highly qualified. In small schools where there may be only one 7th or 8th grade teacher teaching all subjects, these teachers could similarly be required to hold degrees in every subject area.

Such requirements are unreasonable at a time when teachers are increasingly hard to find. The legislation I introduce today will allow States to cre-

ate a single assessment to cover multiple subjects for middle grade level teachers and allow states to issue a broad certification for science and social studies.

In my view, these changes will provide significant assistance to schools in Connecticut and other states currently struggling to comply with the No Child Left Behind law. I would hope that our colleagues would look with some favor on it.

Of equal if not greater importance is the urgent need to provide our schools with the additional resources they need to help our children learn. Obviously, funding this law is beyond the scope of this bill. I would note, however, that efforts to increase education funding to authorized levels have thus far been unsuccessful.

Earlier this year, I supported Senator MURRAY's amendment to fully fund No Child Left Behind by increasing the budget allocation by \$8.6 billion. Unfortunately, Senator MURRAY's amendment was defeated purely on party lines. Clearly, funding for No Child Left Behind is not at the top of the Majority's priority list. I will continue to work to change this outcome. Clearly, our children deserve the resources needed to make their dreams for a better education a reality.

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. 2345

*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 "No Child Left Behind Reform Act".

#### SEC. 2. ADEQUATE YEARLY PROGRESS.

(a) DEFINITION OF ADEQUATE YEARLY PROGRESS.—Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)) is amended—

(1) in subparagraph (C)(vii)—

(A) by striking "such as";

(B) by inserting "such as measures of individual or cohort growth over time based on the academic assessments implemented in accordance with paragraph (3)," after "described in clause (v)."; and

(C) by striking "attendance rates,"; and

(2) in subparagraph (D)—

(A) by striking clause (ii);

(B) by striking "the State" and all that follows through "ensure" and inserting "the State shall ensure"; and

(C) by striking "; and" and inserting a period.

(b) ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.—Section 1116(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(a)(1)(B)) is amended by striking ", except that" and all that follows through "action or restructuring".

#### SEC. 3. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF AYP.

Part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

#### "SEC. 1120C. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF AYP.

"(a) GRANT AUTHORITY.—The Secretary may award grants, on a competitive basis, to

State educational agencies to enable the State educational agencies to develop or increase the capacity of data systems for accountability purposes and award subgrants to increase the capacity of local educational agencies to upgrade, create, or manage information databases for the purpose of measuring adequate yearly progress.

"(b) PRIORITY.—In awarding grants under this section the Secretary shall give priority to State educational agencies that have created, or are in the process of creating, a growth model or proficiency index as part of their adequate yearly progress determination.

"(c) STATE USE OF FUNDS.—Each State that receives a grant under this section shall use—

"(1) not more than 20 percent of the grant funds for the purpose of increasing the capacity of, or creating, State databases to collect information related to adequate yearly progress; and

"(2) not less than 80 percent of the grant funds to award subgrants to local educational agencies within the State to enable the local educational agencies to carry out the authorized activities described in subsection (d).

"(d) AUTHORIZED ACTIVITIES.—Each local educational agency that receives a subgrant under this section shall use the subgrant funds to increase the capacity of the local educational agencies to upgrade databases or create unique student identifiers for the purpose of measuring adequate yearly progress, by—

"(1) purchasing database software or hardware;

"(2) hiring additional staff for the purpose of managing such data;

"(3) providing professional development or additional training for such staff; and

"(4) providing professional development or training for principals and teachers on how to effectively use such data to implement instructional strategies to improve student achievement.

"(e) STATE APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(f) LEA APPLICATION.—Each local educational agency desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Each such application shall include, at a minimum, a demonstration of the local educational agency's ability to put such a database in place.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part \$80,000,000 for each of fiscal years 2005, 2006, and 2007."

#### SEC. 4. TARGETING TRANSFER OPTIONS AND SUPPLEMENTAL SERVICES.

(a) TARGETING TRANSFER OPTIONS AND SUPPLEMENTAL SERVICES.—Section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316) is amended—

(1) in paragraphs (1)(E)(i), (5)(A), (7)(C)(i), and (8)(A)(i) of subsection (b), by striking the term "all students enrolled in the school" each place such term appears and inserting "all students enrolled in the school, who are members of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2)";

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

"(G) MAINTENANCE OF LEAST RESTRICTIVE ENVIRONMENT.—A student who is eligible to receive services under the Individuals with

Disabilities Education Act and who uses the option to transfer under subparagraph (E), paragraph (5)(A), (7)(C)(i), or (8)(A)(i), or subsection (c)(10)(C)(vii), shall be placed and served in the least restrictive environment appropriate, in accordance with the Individuals with Disabilities Education Act."

(3) in clause (vii) of subsection (c)(10)(C), by inserting "who are members of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2)", after "Authorizing students"; and

(4) in subparagraph (A) of subsection (e)(12), by inserting "who is a member of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2)" after "under section 1113(c)(1)".

(b) STUDENT ALREADY TRANSFERRED.—A student who transfers to another public school pursuant to section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) before the effective date of this section and the amendments made by this section, may continue enrollment in such public school after the effective date of this section and the amendments made by this section.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall be effective for each fiscal year for which the amount appropriated to carry out title I of the Elementary and Secondary Education Act of 1965 for the fiscal year, is less than the amount authorized to be appropriated to carry out such title for the fiscal year.

#### SEC. 5. DEFINITION OF HIGHLY QUALIFIED TEACHERS.

Section 9101(23)(B)(ii) of the Elementary and Secondary Act of 1965 (20 U.S.C. 7801(23)(B)(ii)) is amended—

(1) in subclause (I), by striking "or" after the semicolon;

(2) in subclause (II), by striking "and" after the semicolon; and

(3) by adding at the end the following:

"(III) in the case of a middle school teacher, passing a State approved middle school generalist exam when the teacher receives the teacher's license to teach middle school in the State;

"(IV) obtaining a State social studies certificate that qualifies the teacher to teach history, geography, economics, and civics in middle or secondary schools, respectively, in the State; or

"(V) obtaining a State science certificate that qualifies the teacher to teach earth science, biology, chemistry, and physics in middle or secondary schools, respectively, in the State; and"

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3047. Mr. KYL proposed an amendment to the bill S. 2329, to protect crime victims' rights.

#### TEXT OF AMENDMENTS

SA 3047. Mr. KYL proposed an amendment to the bill S. 2329, to protect crime victims' rights; as follows:

On page 7, line 24, strike the first period and insert the following: ", subject to appropriation."

On page 10, line 20, strike the first period and insert the following: ", subject to appropriation."

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 22, 2004, at 9:30 a.m. on the U.S. Commission on Ocean Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 22, 2004, at 9:30 a.m. to hold a hearing on Iraq Transition: Obstacles and Opportunities.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 22, 2004, at 1:30 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 22, 2004, at 2:30 p.m. to hold a Subcommittee on East Asian and Pacific Affairs hearing on U.S.-China Relations: Status of Reforms in China.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 22, 2004, at 4 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 22, 2004, at 11 a.m. in Senate Dirksen Building Room 226.

#### Agenda

I. Nominations: Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit; William Duane Benton to be United States Circuit Judge for the Eighth Circuit; Robert Bryan Harwell to be United States District of South Carolina; George P. Schiavelli to be United States District Judge for the Central District of California; and Curtis V. Gomez to be Judge for the District Court of the Virgin Islands.

II. Legislation: S. 1735. Gang Prevention and Effective Deterrence Act of