Secretary of Commerce shall do the following:

''(A) Make appropriate adjustments to the Current Population Survey to develop more accurate State-specific estimates of the number of children enrolled in health coverage under title XIX or this title.

''(B) Make appropriate adjustments to the Current Population Survey to improve the survey estimates used to compile the State-specific and national number of low-income children without health insurance for purposes of sections 1905(y)(2)(A)(i), 2106(b)(3)(B)(iii)(I), and 2104(i)(3)(D)(i).

''(C) Assist in the incorporation of health insurance survey information in the American Community Survey related to children.

''(D) Assess whether American Community Survey estimates, once such survey data are first available, produce more reliable estimates than the Current Population Survey for purposes of section 2104(i)(3)(D)(i).

''(E) Recommend to the Secretary of Health and Human Services whether American Community Survey estimates should be used for purposes of 2104(i)(3)(D)(i).

''(F) Continue making the adjustments described in the last sentence of paragraph (1) with respect to expansion of the sample size used in State sampling units, the number of sampling units in a State, and using an appropriate verification element.''.

**SEC. 704. MORATORIUM ON APPLICATION OF PERM REQUIREMENTS RELATED TO ELIGIBILITY REVIEWS DURING PERIOD OF INDEPENDENT STUDY AND REPORT.**

(a) MORATORIUM.—Notwithstanding parts 431 and 457 of title 42, Code of Federal Regulations, or any other provision of law, except as provided in paragraph (2), during the period that begins on the date of enactment of this Act and ends on the final effective date for the regulations required under subsection (c), the Secretary shall not apply the payment error rate measurement (PERM) requirements related to eligibility reviews imposed under such parts with respect to Medicaid or CHIP.

(b) STUDY AND REPORT.—

(1) INSTITUTE OF MEDICINE STUDY.—The Secretary shall enter into a contract with the Institute of Medicine of the National Academy of Sciences (in this section referred to as the ''Institute'') to conduct an independent study of the payment error rate measurement (PERM) requirements related to eligibility reviews imposed under parts 431 and 457 of title 42, Code of Federal Regulations with respect to Medicaid and CHIP and established in accordance with the Improper Payments Information Act of 2002 (Public Law 107–300). Such study shall examine and develop recommendations for modifying such requirements in order to—

(A) minimize the administrative cost burden on States under Medicaid and CHIP;

(B) avoid inadvertent error findings with respect to such programs despite compliance with Federal and State policies and procedures in effect as of the date of the submission of the claim or action that led to such finding;

(C) maintain State flexibility to manage such programs; and

(D) ensure that such requirements do not interfere with State efforts to simplify application and renewal procedures that increase enrollment in Medicaid and CHIP and do not reduce beneficiary participation in such programs.

(2) SUPPORT.—The Secretary shall provide the Institute with any relevant data available to the Secretary during the period in which the study required under paragraph (1) is conducted.

(3) REPORT.—Not later than the date that is 18 months after the date of enactment of this Act, the Institute shall submit to the Secretary and Congress a report on the results of the study conducted under this subsection.

(c) REGULATIONS.—Not later than 6 months after the date on which the report required under subsection (b)(3) has been submitted to the Secretary, the Secretary, after taking into consideration the recommendations contained in the report, shall promulgate such regulations revising the PERM requirements as the Secretary determines are appropriate.

(d) APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for fiscal year 2008 such sums as may be necessary for the purpose of carrying out this section, not to exceed $1,000,000. Funds appropriated under this subsection shall remain available until expended.

**SEC. 705. ELIMINATION OF CONFUSING PROGRAM REFERENCES.**

Section 704 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by division B of Public Law 106–113 (113 Stat. 1501A–402) is repealed.

**TITLE VIII—EFFECTIVE DATE**

**SEC. 801. EFFECTIVE DATE.**

(a) IN GENERAL.—Unless otherwise provided, subject to subsection (b), the amendments made by this Act shall take effect on October 1, 2007, and shall apply to child health assistance and medical assistance provided on or after that date without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(b) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX or XXI of the Social Security Act, which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by an amendment made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such Act solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 1228. A bill to amend section 485(f) of the Higher Education Act of 1965 regarding law enforcement emergencies; to the Committee on Health, Education, Labor, and Pensions.

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

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

S. 1228

*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 ''Campus Law Enforcement Emergency Response Act of 2007''.

**SEC. 2. LAW ENFORCEMENT EMERGENCIES.**

Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)) is amended—

(1) by redesignating paragraphs (9) through (15) as paragraphs (10) through (16), respectively;

(2) by inserting after paragraph (8) the following:

''(9)(A) Each institution of higher education participating in any program under this title shall develop and distribute as part of the report described in paragraph (1)—

''(i) a statement of policy regarding the institution's law enforcement emergency response program; and

''(ii) statistics concerning the occurrence of law enforcement emergencies on the campus of the institution.

''(B) In this paragraph:

''(i) The term 'campus' has the meaning given the term in paragraph 6(A)(i), except that the term includes—

''(I) a noncampus building or property, as defined in paragraph (6)(A)(ii), of an institution of higher education; and

''(II) any public property, as defined in paragraph (6)(A)(iii), of an institution of higher education.

''(ii) The term 'law enforcement emergency' means a shooting, the presence of an armed and dangerous person, a bomb threat, the presence of an unauthorized hazardous or toxic material that poses a threat to health and safety, a lock-down, a reverse evacuation, or any other comparable type of incident, on the campus of an institution of higher education, that involves the participation of one or more law enforcement agencies.

''(C) The policy described in subparagraph (A) shall address the following:

''(i) Procedures students, employees, and others on the campus of the institution will be directed to follow if a law enforcement emergency occurs.

''(ii) Procedures the institution and law enforcement agencies will follow to inform students, employees, and others on the campus of the institution about a law enforcement emergency on the campus and will follow to direct the actions of the students, employees, and others. Such procedures may include e-mail alerts, telephone alerts, text-message alerts, radio announcements, television alerts, audible alert signals, and public address announcements.

''(D) Each institution participating in any program under this title shall test the institution's law enforcement emergency response policy and procedures on at least an annual basis.

''(E) Each institution participating in any program under this title shall make reports to the students, employees, and others on the campus of the institution, not later than 30 minutes after the discovery of a law enforcement emergency on the campus, through the procedures described in subparagraph (C)(ii).

''(F) The Secretary and the Attorney General shall jointly have the authority—

''(i) to review, monitor, and ensure compliance with this paragraph;

''(ii) to advise institutions of higher education on model law enforcement emergency response policies, procedures, and practices; and

''(iii) to disseminate information concerning those policies, procedures, and practices.

''(G) CAMPUS LAW ENFORCEMENT EMERGENCY RESPONSE GRANTS.—

''(i) PROGRAM AUTHORITY.—The Secretary may make grants to institutions of higher education or consortia of such institutions, or enter into contracts with such institutions, consortia, and other organizations, to develop, implement, operate, improve, test, or disseminate campus law enforcement emergency response policies, procedures, or programs.

''(ii) AWARDS.—Grants and contracts under this subparagraph shall be awarded—

''(I) on a competitive basis; and

''(II) for a period not to exceed 1 year.

''(iii) APPLICATIONS.—An institution of higher education, a consortium, or an organization that desires to receive a grant or enter into a contract under this subparagraph shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require by regulation.

''(iv) PARTICIPATION.—In awarding grants and contracts under this subparagraph, the Secretary shall make every effort to ensure—

''(I) the equitable participation of institutions of higher education that are eligible to participate in programs under this title;

''(II) the equitable geographic participation of such institutions; and

''(III) the equitable participation of such institutions with large and small enrollments.

''(v) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph $5,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

Mr. DURBIN. Mr. President, I rise today to introduce the Campus Law Enforcement Emergency Response Act of 2007. This legislation takes several important steps to enhance the security of college and university campuses, including ensuring that schools have created and tested emergency response procedures and notification systems.

We will never forget the tragic events at Virginia Tech on April 16, 2007, when a mentally ill gunman brutally murdered 32 men and women over a period of several hours. This horrible incident demonstrated the need for colleges and universities to develop and test procedures for responding to emergency situations that pose a large-scale threat to public safety. In the era we live in today, college campuses may be viewed as inviting targets for those who seek to terrorize or kill. We have to be prepared for the possibility of mass-casualty attacks on our college campuses, and we have to be ready to respond to them if they occur.

Many schools in my home State of Illinois and elsewhere have taken measures, both before and after the Virginia Tech shootings, to safeguard against such emergency incidents. However, there are nearly 4,300 colleges and universities in the country, serving over 17 million students and millions more faculty, staff and campus visitors each year. We need to ensure that all of these institutions have effective law enforcement emergency response procedures in place, and we need to provide guidance and assistance for schools that need it.

The Campus Law Enforcement Emergency Response Act would ensure that institutions of higher education meet baseline preparedness and testing requirements for law enforcement emergencies. The bill would expand the focus of the Clery Act, an existing law that requires colleges and universities to issue annual reports on campus crime and crime security measures, to cover ''law enforcement emergency'' situations. The term ''law enforcement emergency'' as defined in the bill would include situations that occur on a college campus that involve a law enforcement response and that pose a potential threat of continuing danger. Such situations would include ''a shooting, the presence of an armed and dangerous person, a bomb threat, the presence of an unauthorized hazardous or toxic material that poses a threat to health and safety, a lock-down, a reverse evacuation, or any other comparable type of incident on the campus . . . that involves the participation of one or more law enforcement agencies.'' Because of the threat of large-scale dangers that these types of emergency incidents pose to the campus community, additional preparations should be made for them.

First, the bill would require higher education institutions to develop and distribute policies regarding the institution's law enforcement emergency response program. These policies would have to specify the procedures students and employees should follow if a law enforcement emergency occurs and the procedures that the school and its partner law enforcement agencies would follow to inform and guide students and employees in case of such an emergency. Under this bill, schools are encouraged to establish notification procedures such as e-mail alerts, telephone alerts, text-message alerts, radio announcements, television alerts, audible alert signals, and public address announcements.

The bill would also require institutions to test their law enforcement emergency response procedures at least annually. Such testing is crucial for ensuring the efficient and effective coordination of law enforcement response activities with the actions of those on campus.

In addition, this legislation would require institutions to provide notice to the campus community through its notification procedures no later than 30 minutes after the discovery of a law enforcement emergency. Many have pointed out that over 2 hours passed between the discovery of the first shootings on the Virginia Tech campus and the initial threat notification to the Virginia Tech community. In the interim period, the Virginia Tech gunman moved across campus and shot many more victims. A 30-minute notification requirement provides enough time for law enforcement agencies to assess an emergency situation and to issue, at minimum, an alert notifying the campus community about the possibility of further danger.

The bill would give the Departments of Education and Justice joint authority to review, monitor, and ensure compliance with the bill's requirements. Given the Department of Justices experience in dealing with law enforcement emergencies, joint authority and coordination with the Department of Education will provide a significant benefit to schools. Additionally, the bill would authorize the Education and Justice Departments to advise schools on model law enforcement emergency response procedures and to disseminate information about these procedures. The bill would further require schools to report statistics on the actual occurrence of law enforcement emergencies at each school.

Finally, the bill would create a competitive grant program, to be administered by the Department of Education, to help institutions develop, implement, operate, improve, test, and disseminate campus law enforcement emergency response programs. The program would be authorized for 5 years, at $5 million for the first year and for such sums as may be necessary thereafter.

The tragedy at Virginia Tech should cause us to reassess numerous laws in an effort to prevent such tragedies from happening in the future. We need to reevaluate the State and Federal laws that allowed a man to purchase guns and ammunition despite a prior determination of mental illness by a court. We need to take a hard look at mental health in this country and to craft policies that identify and provide support for those with signs of mental illness. We must also work to strengthen the security of our primary and secondary schools in order to safeguard against shootings and other dangerous incidents on those school grounds. These issues will be the subject of discussions in the days to come, and enhancing the preparedness of our college campuses for law enforcement emergencies must be a part of those discussions as well.

Sadly, we cannot guarantee that a mass tragedy will never occur again on an American campus. But it is imperative that the Government, law enforcement agencies, and school administrations work together to guard against mass-casualty threats as best we can and to be ready to respond if they occur. The Campus Law Enforcement Emergency Response Act will help ensure that those who live, work, and study at our colleges and universities can do so more safely. I urge the Congress to pass this important and critical legislation.

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By Mr. DODD:

S. 1230. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for contributions to qualified tuition programs; to the Committee on Finance.

Mr. DODD. Mr. President, I rise to introduce the College Saver's Credit Act, a bill designed to open the dream of higher education to many more Americans.

Few choices in life have the economic consequence as the decision to enter college. Compare college-educated workers to their high-school-educated peers: those with a college diploma will earn $1 million more over

the course of a lifetime than their peers without one. That million-dollar difference lays bare the power in college access.

And yet there are literally hundreds of thousands of young men and women who want to choose a college education, and cannot. These young men and women are prepared to enter into our college-educated middle class—prepared in intellect, prepared in maturity, prepared in ambition—and are shut out by the cost of tuition.

This year, 400,000 high school seniors whose families have low or moderate incomes will be priced out of college. Of those, nearly 200,000 will never attend college at all. They will lose their chance at higher education, and as a consequence, they will face almost twice the odds of unemployment.

And unless we take action, the number of excluded Americans is only likely to increase. Over the past 10 years, the cost of attending a 4-year public college has increased by more than $2,800, or 96 percent, and the cost of attending a four-year private college has increased by more than $9,000, or 71 percent. These costs continue to rise today.

We must take steps to break down these barriers to access, starting by making it easier for families to save for higher education. The refundable College Saver's Credit created by this act would do just that—even as it boosts personal and national savings, at a time when these rates are setting new lows. It would provide a powerful complement to the other forms of financial aid available to students, which, I might add, we should also continue to work to strengthen.

The College Saver's Credit would be available to low- and moderate-income taxpayers who save in Section 529 college savings plans: specifically, to joint filers making up to $60,000, heads of households making up to $45,000, and all other taxpayers making up to $30,000, with all numbers indexed for inflation. In other words, the credit is designed to provide the greatest benefit to those who have the greatest difficulty affording college.

Taxpayers could claim a 50 percent credit for Section 529 plan contributions, up to a maximum credit of $2,000. The College Saver's Credit would be fully refundable—meaning that even taxpayers who do not make enough money to have a high tax liability would be eligible to claim the credit's full value—provided that the refunded amount is put towards qualified higher educational expenses. Any refund would be deposited directly and automatically into the taxpayer's or taxpayer's beneficiary's designated 529 college savings plan, taking advantage of the IRS's new ''split refund'' option. Funds attributable to refunds from the College Saver's Credit could accumulate earnings tax-free (like the rest of the taxpayer's savings in a 529 plan), but may only be distributed to pay college costs—otherwise, they must be returned to the Treasury.

In his budget this year, President Bush proposed expanding the Saver's Credit for retirement savings to section 529 college savings plans. Establishing the refundable College Saver's Credit would accomplish this goal in a way that provides the greatest value to those Americans who need it most.

And in doing that, this bill accomplishes two worthy, and linked, goals: It encourages Americans to plan and prepare for the future; and it truly widens the doors to college.

Savings and education: They are pillars of our prosperity—prosperity that will grow even as it is shared more widely.

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

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

S. 1230

*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 ''College Saver's Credit Act of 2007''.

**SEC. 2. COLLEGE SAVER'S CREDIT.**

(a) ALLOWANCE OF REFUNDABLE CREDIT.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

**''SEC. 36. COLLEGE SAVER'S CREDIT.**

''(a) ALLOWANCE OF CREDIT.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 50 percent of so much of the qualified college savings contributions made during the taxable year as do not exceed $2,000.

''(b) LIMITATIONS.—

''(1) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—The amount which would (but for this paragraph) be taken into account under subsection (a) for the taxable year shall be reduced (but not below zero) by the amount determined under subparagraph (B).

''(B) AMOUNT OF REDUCTION.—The amount determined under this subparagraph is the amount which bears the same ratio to the amount which would be so taken into account as—

''(i) the excess of—

''(I) the taxpayer's modified adjusted gross income for the taxable year, over

''(II) the applicable amount, bears to

''(ii) the phaseout amount.

''(C) APPLICABLE AMOUNT; PHASEOUT AMOUNT.—For purposes of subparagraph (B), the applicable amount and the phaseout amount shall be determined as follows:

| | The applicable amount is: | The phase out amount is: |
|---|---|---|
| In the case of a joint return ..... | $60,000 | $10,000 |
| In the case of a head of household ..... | $45,000 | $7,500 |
| In any other case ..... | $30,000 | $5,000 |

''(D) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

''(E) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2008, each of the applicable amounts in the second column of the table in subparagraph (C) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $500.

''(2) EARNED INCOME LIMITATION.—The amount of the credit allowable under subsection (a) to any taxpayer for any taxable year shall not exceed the earned income (as defined by section 32(c)(2)) of such taxpayer for such taxable year.

''(c) ELIGIBLE INDIVIDUAL.—For purposes of this section—

''(1) IN GENERAL.—The term 'eligible individual' means any individual if such individual has attained the age of 18 as of the close of the taxable year.

''(2) DEPENDENTS NOT ELIGIBLE.—The term 'eligible individual' shall not include any individual with respect to whom a deduction under section 151 is allowed to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

''(d) QUALIFIED COLLEGE SAVINGS CONTRIBUTIONS.—The term 'qualified college savings contributions' means, with respect to any taxable year, the aggregate contributions made by the taxpayer to any account which—

''(1) is described in section 529(b)(1)(A)(ii),

''(2) is part of a qualified tuition program, and

''(3) is established for the benefit of—

''(A) the taxpayer,

''(B) the taxpayer's spouse, or

''(C) any dependent of the taxpayer with respect to whom the taxpayer is allowed a deduction under section 151.

''(e) TREATMENT OF CONTRIBUTIONS BY DEPENDENT.—If a deduction under section 151 with respect to an individual is allowed to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins—

''(1) no credit shall be allowed under subsection (a) to such individual for such individual's taxable year, and

''(2) any qualified college savings contributions made by such individual during such taxable year shall be treated for purposes of this section as made by such other taxpayer.''.

(b) REFUNDABLE AMOUNT CREDITED TO QUALIFIED TUITION PLAN.—

(1) TRANSFER OF REFUND TO QUALIFIED TUITION PLANS.—Section 6402 of the Internal Revenue Code of 1986 (relating to authority to make credits or refunds) is amended by adding at the end the following new subsection:

''(l) SPECIAL RULE FOR OVERPAYMENTS ATTRIBUTABLE TO COLLEGE SAVER'S CREDIT.—

''(1) IN GENERAL.—In the case of any overpayment attributable to the credit allowed under section 36, the Secretary shall transfer such amount to the qualified tuition program to which the taxpayer made a qualified college savings contribution.

''(2) TRANSFERS TO MORE THAN 1 QUALIFIED TUITION PROGRAM.—If the taxpayer made qualified college savings contributions to more than 1 qualified tuition program, the

Secretary shall transfer the overpayment described in paragraph (1) to each such qualified tuition program in an amount that bears the same ratio to the amount of such overpayment as—

''(A) the amount of qualified college savings contributions made by such taxpayer to such qualified tuition program, bears to

''(B) the amount of qualified college savings contribution made by such taxpayer to all qualified tuition programs.

''(3) QUALIFIED COLLEGE SAVINGS CONTRIBUTION.—For purposes of this subsection, the term 'qualified college savings contribution' has the meaning given such term by section 36(d).''.

(2) SEPARATE ACCOUNTING FOR REFUNDABLE AMOUNTS.—Section 529 of such Code is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) SPECIAL RULES FOR CONTRIBUTIONS ATTRIBUTABLE TO COLLEGE SAVER'S CREDIT.—

''(1) IN GENERAL.—A program shall not be treated as a qualified tuition program unless it provides separate accounting for contributions transferred by the Secretary under section 6402(l) to an account in the program.

''(2) SPECIAL RULES FOR DISTRIBUTION.—In the case of a distribution under a qualified tuition program which includes any amount transferred by the Secretary under section 6402(l) (including any earnings attributable to such amount) and which is includible in gross income, the tax imposed by this chapter on the person receiving such distribution shall be increased by 100 percent of the amount so includible.

''(3) ORDERING RULES.—For purposes of applying this subsection to any distribution from a qualified tuition program—

''(A) IN GENERAL.—Except as provided in subparagraph (B), such distribution shall be treated as made—

''(i) first from amounts contributed under the program, and

''(ii) second from amounts transferred by the Secretary under section 6402(l).

''(B) EXCEPTION FOR DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—In the case of a distribution described in subsection (c)(3), such distribution shall be treated as made—

''(i) first from amounts transferred by the Secretary under section 6402(l), and

''(ii) second from other amounts contributed under the program.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period at the end '', or enacted by the College Saver's Credit Act of 2007''.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 36 and inserting the following:

''Sec. 36. College saver's credit.
''Sec. 37. Overpayments of tax.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

**SEC. 3. DISTRIBUTION OF FINANCIAL EDUCATION MATERIALS TO INDIVIDUALS INVESTING IN QUALIFIED TUITION PROGRAMS.**

(a) IN GENERAL.—Subsection (b) of section 529 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) FINANCIAL EDUCATION MATERIALS.—A program shall not be treated as a qualified tuition program unless it requires that financial education materials are distributed to individuals participating in the program.''.

(b) GUIDANCE.—Subsection (g) of section 529 of such Code, as redesignated by this Act, is amended by inserting ''and regulations providing guidance on the types of financial education material required to be provided under subsection (b)(7)'' before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

**SEC. 4. STUDY ON PARTICIPATION IN QUALIFIED TUITION PROGRAMS.**

(a) IN GENERAL.—The Secretary of the Treasury shall conduct a study on the participation of individuals in qualified tuition programs under section 529 of the Internal Revenue Code of 1986.

(b) MATTER STUDIED.—The study conducted under subsection (a) shall consider—

(1) the income and age of individuals participating in qualified tuition programs, and

(2) the amount of fees charged under each qualified tuition program established or maintained by a State (or agency or instrumentality thereof).

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on the study conducted under subsection (a).

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By Mr. REED:

S. 1231. 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, today I am introducing the Preparing, Recruiting, and Retaining Education Professionals (PRREP) Act to improve education and student achievement through high-quality preparation, induction, and professional development for teachers, early childhood education providers, principals, and administrators.

Improving teacher quality is the single most effective measure we can take to increase student achievement. As Congress turns to the reauthorization of the Higher Education Act, we must ensure that educators receive the training and support necessary to thrive in our nation's early childhood programs, elementary schools, and secondary schools. We have an opportunity to support the development of educators so they not only have the credentials to be considered a ''highly qualified teacher'' under the No Child Left Behind Act, but also the skills and training to be truly effective in the classroom. By strengthening the teacher preparation grants in Title II of the Higher Education Act, my legislation will accomplish both of these important goals.

Teacher attrition undermines teacher quality and creates teacher shortages. According to the National Commission on Teaching and America's Future, one-third of beginning teachers leave the profession within three years, and nearly one-half leave within five years. In high poverty schools turnover rates are even worse—approximately one-third higher than the rate for all teachers. The PRREP Act would create a year-long clinical learning experience for prospective teachers, and establish a comprehensive induction program, including high quality mentoring, for new teachers in at least their first two years of teaching. Research consistently shows that induction programs reduce the number of teachers who leave their schools or the profession. Comprehensive induction programs can cut that number by half or more.

Additionally, my legislation strengthens teacher preparation programs so that teachers will reach their maximum potential to positively affect student achievement. A focus on scientific knowledge of effective teaching skills and methods of student learning will equip teachers to understand and respond to diverse student populations, including students with disabilities, limited-English proficient students, and students with different learning styles or special learning needs. The legislation also seeks to ensure that teachers have the ability to integrate technology into the classroom, use assessments to improve instructional practices and curriculum, and communicate with and involve parents in their children's education.

My legislation further focuses on teaching skills and learning strategies by including in the partnership grants academic departments such as psychology, human development, or one with comparable expertise in the disciplines of teaching, learning, and child and adolescent development. The PRREP Act also would include early childhood educators for the first time in teacher preparation programs.

Teacher preparation grants under Title II of the Higher Education Act are currently funded at only $60 million a year—far too small of an investment for this critical enterprise. The stakes are too high, not just in terms of meeting the highly qualified requirements of the No Child Left Behind Act, but also for real students in real classrooms. My bill significantly boosts this funding, authorizing $500 million for these vital programs.

I urge my colleagues to cosponsor this legislation and work 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.

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

S. 1231

*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 2007''.

**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 with, 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 annual turnover rate of 20 percent or more, 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; 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 annual turnover rate of 20 percent or more, 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.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'highly qualified' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(B) SPECIAL EDUCATION TEACHERS.—When used with respect to a special education teacher, the term 'highly qualified' has the meaning given the term in section 602 of the Individuals with Disabilities Education Act.

''(9) INDUCTION.—The term 'induction' means a formalized program designed to provide support for, improve the professional performance of, and promote the retention in the teaching field of, beginning teachers, and that—

''(A) shall include—

''(i) mentoring;

''(ii) structured collaboration time with teachers in the same department or field;

''(iii) structured meeting time with administrators; and

''(iv) professional development activities; and

''(B) may include—

''(i) reduced teaching loads;

''(ii) support of a teaching aide;

''(iii) orientation seminars; and

''(iv) regular evaluation of the teacher inductee, the mentors, and the overall formalized program.

''(10) 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.

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

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

''(13) 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.

''(14) 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.

''(15) 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 with, 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 requirements 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 have strong teaching skills and 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, including effective ways to communicate with, work with, and involve parents in their children's education; and

''(ii) about understanding and responding effectively to students with special needs, including students with disabilities, limited-English proficient students, students with low literacy levels, and students with different learning styles or other special learning 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;

''(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; and

''(E) developing methods and building capacity for teacher preparation programs to assess the retention rates of the programs' graduates and to use such information for continuous program improvement.

''(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, including induction, during the initial teaching experience;

''(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—

''(i) have an understanding of evidence-based effective teaching practices;

''(ii) have knowledge of student learning methods; and

''(iii) possess strong teaching skills, including effective ways to communicate with, work with, and involve parents in their children's education.

''(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, schools, and early childhood program providers 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 not less than the first 2 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—

''(i) understand evidence-based teaching practices;

''(ii) have knowledge of student learning methods; and

''(iii) 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, students with low literacy levels, 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 mentoring in instructional skills, classroom management skills, collaboration 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, including 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 not less than such teachers' first 2 years. Such program shall promote the integration of the science of teaching and learning in the classroom, provide high-quality induction opportunities (including mentoring), 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; and

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

''(E) offers teachers, principals, and administrators training on how to effectively communicate with, work with, and involve parents in their children's education;

''(F) creates an ongoing retraining loop for experienced teachers, principals, and administrators, 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

''(G) 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 AND TRAINING FOR PARTICIPANTS.—Providing support and training 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 practica, 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.

''(6) PROGRAM IMPROVEMENT.—Developing, for teacher preparation program improvement purposes, methods and infrastructure to assess retention rates in the teaching field of teacher preparation program graduates and the achievement outcomes of such graduates' students.

''(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 annual turnover rates; or

''(B) high teacher shortages or annual turnover rates of 20 percent or more 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 annual turnover rates of 20 percent or more;

''(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, including 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 induction opportunities, mentoring, and professional development activities) provided to former scholarship recipients during not less than the recipients' first 2 years of teaching; and

''(D) in the case where the eligible applicant also receives a grant under section 203, for support and training 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 urban 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.

''(3) PROGRAM IMPROVEMENT.—Developing, for teacher preparation program improvement purposes, methods and infrastructure to assess retention rates in the teaching field of teacher preparation program graduates and the achievement outcomes of such graduates' students.

''(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, including 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

(3) 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)—

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

(ii) by striking ''Committee on Education and the Workforce'' and inserting ''Committee on Education and Labor'';

(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 have strong teaching skills and 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 through not less than their first 2 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, including special education.''; and

(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 of general education teachers, principals, and administrators about special education content and instructional practices;

''(iv) the knowledge and skills to assess student academic achievement and use the results of such assessments to improve instruction;

''(v) 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; or

''(vi) the knowledge and skills to effectively communicate with, work with, and involve parents in their children's education;

''(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 assessment 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 highly 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.''; and

(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'';

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

(C) by striking ''Committee on Education and the Workforce'' and inserting ''Committee on Education and Labor''.

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

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

(D) by striking ''Committee on Education and the Workforce'' and inserting ''Committee on Education and Labor''; and

(E) 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 improve 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 2008 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 (20 U.S.C. 1030), 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 2008'';

(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''.

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By Mr. DODD:

S. 1232. A bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Food Allergy and Anaphylaxis Management Act of 2007. Food allergies are an increasing food safety and public health concern in this country, especially among young children. I know firsthand just how frightening food allergies can be in a young person's life. My own family has been personally touched by this troubling condition and we continue to struggle with it each and every day. Sadly, there is no cure for food allergies.

In the past 5 years, the number of Americans with food allergies has nearly doubled from 6 million to almost 12 million. While food allergies were at one time considered relatively infrequent, today they rank 3rd among common chronic diseases in children under 18 years of age. Peanuts are among several allergenic foods that can produce life threatening allergic reactions in susceptible children. Peanut allergies have doubled among school age children from 1997–2002.

Clearly, food allergies are of great concern for school age children nationwide, and yet, there are no federal guidelines concerning the management of life threatening food allergies in our Nation's schools.

I have heard from parents, teachers and school administrators that students with severe food allergies often face inconsistent food allergy management approaches when they change schools. Too often, families are not aware of the food allergy policy at their children's school, or the policy is vastly different from the one they knew at their previous school, and they are left wondering whether their child is safe.

Recently, Connecticut became the first State to enact school-based guidelines concerning food allergies and the prevention of life threatening incidents in schools. I am very proud of these efforts, and I know that the parents of children who suffer from food allergies in Connecticut have confidence that their children are safe throughout the school day. States such as Massachusetts and Tennessee have enacted similar guidelines and Vermont, New Jersey, Arizona, Michigan and New York have either passed or have pending legislation to enact statewide guidelines. But too many States across the country have food allergy management guidelines that are inconsistent from one school district to the next. The result is a patchwork of guidelines that not only may vary from state to state, but also from school district to school district.

In my view, this lack of consistency underscores the need for enactment of uniform Federal policies that school districts can choose to adopt and implement. For this reason, I am introducing the Food Allergy and Anaphylaxis Management Act of 2007 today to address the growing need for uniform and consistent school-based food allergy management policy. The bill I am introducing today closely mirrors legislation I introduced last Congress with former Senator Frist. I thank him for his past leadership and commitment to this important legislation.

The legislation does two things. First, it directs the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop and make available voluntary food allergy management guidelines for preventing exposure to food allergens and assuring a prompt response when a student suffers a potentially fatal anaphylactic reaction. The guidelines developed by the Secretary are voluntary, not mandatory. Under the legislation, each school district across the country can voluntarily choose to implement these guidelines. The intent of the legislation is not to mandate individual school policy, but rather to provide for consistency of policies relating to school-based food allergy management by providing schools with consistent guidelines at the Federal level.

Second, the bill provides for incentive grants to school districts to assist them with adoption and implementation of the federal government's allergy management guidelines in all K–12 public schools.

I would like to recognize the leadership of Congresswoman NITA LOWEY who is introducing companion legislation today in the House of Representatives. She has been a longstanding champion for children and for awareness of the devastating impact of food allergies. I also wish to acknowledge and offer my sincere appreciation to the members of the Food Allergy and Anaphylaxis Network for their commitment to this legislation and for raising public awareness, providing advocacy, and advancing research on behalf of all individuals who suffer from food allergies.

This legislation is supported by the Food Allergy and Anaphylaxis Network and the American Academy of Allergy, Asthma, and Immunology. I ask unanimous consent that letters of support from these organizations be printed in the RECORD.

I hope that my colleagues in the Senate and in the House will consider and pass this important legislation before the end of the year so that the Department of Health and Human Services can begin work on developing national guidelines as soon as possible. Schoolchildren across the country deserve nothing less than a safe and healthy learning environment.

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

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

AMERICAN ACADEMY OF ALLERGY,
ASTHMA & IMMUNOLOGY,
*Washington, DC, April 26, 2007.*

Hon. CHRIS DODD,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR DODD: I am writing on behalf of the American Academy of Allergy, Asthma and Immunology (AAAAI) to express our strong support for your legislation, the Food Allergy and Anaphylaxis Management Act of 2007, which would make available to schools appropriate guidelines for the management of students with food allergy who are at risk of anaphylactic shock. The AAAAI is the largest professional medical specialty organization in the United States representing allergists, asthma specialists, clinical immunologists, allied health professionals and others dedicated to improving the treatment of allergic diseases through research and education.

The number of schoolchildren with food allergies has increased dramatically in recent years. The policy developed under your bill would assist schools in preventing exposure to food allergens and assuring a prompt response when a child suffers a potentially fatal anaphylactic reaction.

Strict avoidance of the offending food is the only way to prevent an allergic reaction as there is no cure for food allergy. Fatalities from anaphylaxis often result from delayed administration of epinephrine. The importance of managing life-threatening food allergies in the school setting has been recognized by our own organization as well as the American Medical Association, the American Academy of Pediatrics, and the National Association of School Nurses.

The American Academy of Allergy, Asthma and Immunology applauds your efforts to address the need to assist schools with the policies and information needed to improve the management of children with food allergy and avoid life-threatening reactions. We are pleased to endorse your legislation.

Sincerely,

THOMAS B. CASALE, *President.*

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THE FOOD ALLERGY
& ANAPHYLAXIS NETWORK,
*Washington, DC, April 26, 2007.*

Senator CHRISTOPHER DODD,
*Washington, DC.*

DEAR SENATOR DODD: On behalf of the Food Allergy and Anaphylaxis Network (FAAN), I write to express strong support for the Food Allergy and Anaphylaxis Management Act of 2007. This important piece of legislation directs the Department of Health and Human Services to develop guidelines for schools to

prevent exposure to food allergens and assure a prompt response when a child suffers a potentially fatal anaphylactic reaction.

FAAN was established in 1991 to raise public awareness, provide advocacy and education, and advance research on behalf of the more than 12 million Americans affected by food allergies and anaphylaxis. FAAN has nearly 30,000 members worldwide, including families, dietitians, nurses, physicians, and school staff as well as representatives of government agencies and the food and pharmaceutical industries.

An estimated 2 million school age children suffer from food allergies, for which there is no cure. Avoiding any and all products with allergy-causing ingredients is the only way to prevent potentially life-threatening reactions for our children. Reactions often occur at school including severe anaphylaxis, which can kill within minutes unless epinephrine (adrenaline) is administered. Deaths from anaphylaxis are usually a result of delayed administration of epinephrine. Nevertheless, there are no current, standardized guidelines to help schools safely manage students with the disease.

The Food Allergy and Anaphylaxis Network applauds your effort to address the seriousness of food allergies and create a safe learning environment for those children who deal with these issues on a daily basis. We are pleased to endorse your legislation.

Sincerely,

ANNE MUNOZ FURLONG,
*Founder and CEO.*

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S. 1232

*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 ''Food Allergy and Anaphylaxis Management Act of 2007''.

**SEC. 2. FINDINGS.**

Congress finds as follows:

(1) Food allergy is an increasing food safety and public health concern in the United States, especially among students.

(2) Peanut allergy doubled among children from 1997 to 2002.

(3) In a 2004 survey of 400 elementary school nurses, 37 percent reported having at least 10 students with severe food allergies and 62 percent reported having at least 5.

(4) Forty-four percent of the elementary school nurses surveyed reported that the number of students in their school with food allergy had increased over the past 5 years, while only 2 percent reported a decrease.

(5) In a 2001 study of 32 fatal food-allergy induced anaphylactic reactions (the largest study of its kind to date), more than half (53 percent) of the individuals were aged 18 or younger.

(6) Eight foods account for 90 percent of all food-allergic reactions: milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, and soy.

(7) Currently, there is no cure for food allergies; strict avoidance of the offending food is the only way to prevent a reaction.

(8) Anaphylaxis is a systemic allergic reaction that can kill within minutes.

(9) Food-allergic reactions are the leading cause of anaphylaxis outside the hospital setting, accounting for an estimated 30,000 emergency room visits, 2,000 hospitalizations, and 150 to 200 deaths each year in the United States.

(10) Fatalities from anaphylaxis are associated with a delay in the administration of epinephrine (adrenaline), or when epinephrine was not administered at all. In a study of 13 food allergy-induced anaphylactic reactions in school-age children (6 fatal and 7 near fatal), only 2 of the children who died received epinephrine within 1 hour of ingesting the allergen, and all but 1 of the children who survived received epinephrine within 30 minutes.

(11) The importance of managing life-threatening food allergies in the school setting has been recognized by the American Medical Association, the American Academy of Pediatrics, the American Academy of Allergy, Asthma and Immunology, the American College of Allergy, Asthma and Immunology, and the National Association of School Nurses.

(12) There are no Federal guidelines concerning the management of life-threatening food allergies in the school setting.

(13) Three-quarters of the elementary school nurses surveyed reported developing their own training guidelines.

(14) Relatively few schools actually employ a full-time school nurse. Many are forced to cover more than 1 school, and are often in charge of hundreds if not thousands of students.

(15) Parents of students with severe food allergies often face entirely different food allergy management approaches when their students change schools or school districts.

(16) In a study of food allergy reactions in schools and day-care settings, delays in treatment were attributed to a failure to follow emergency plans, calling parents instead of administering emergency medications, and an inability to administer epinephrine.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) ESEA DEFINITIONS.—The terms ''local educational agency'', ''secondary school'', and ''elementary school'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) SCHOOL.—The term ''school'' includes public—

(A) kindergartens;

(B) elementary schools; and

(C) secondary schools.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services, in consultation with the Secretary of Education.

**SEC. 4. ESTABLISHMENT OF VOLUNTARY FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT POLICY.**

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) develop a policy to be used on a voluntary basis to manage the risk of food allergy and anaphylaxis in schools; and

(2) make such policy available to local educational agencies and other interested individuals and entities to be implemented on a voluntary basis only.

(b) CONTENTS.—The voluntary policy developed by the Secretary under subsection (a) shall contain guidelines that address each of the following:

(1) Parental obligation to provide the school, prior to the start of every school year, with—

(A) documentation from the student's physician or nurse—

(i) supporting a diagnosis of food allergy and the risk of anaphylaxis;

(ii) identifying any food to which the student is allergic;

(iii) describing, if appropriate, any prior history of anaphylaxis;

(iv) listing any medication prescribed for the student for the treatment of anaphylaxis;

(v) detailing emergency treatment procedures in the event of a reaction;

(vi) listing the signs and symptoms of a reaction; and

(vii) assessing the student's readiness for self-administration of prescription medication; and

(B) a list of substitute meals that may be offered to the student by school food service personnel.

(2) The creation and maintenance of an individual health care plan tailored to the needs of each student with a documented risk for anaphylaxis, including any procedures for the self-administration of medication by such students in instances where—

(A) the students are capable of self-administering medication; and

(B) such administration is not prohibited by State law.

(3) Communication strategies between individual schools and local providers of emergency medical services, including appropriate instructions for emergency medical response.

(4) Strategies to reduce the risk of exposure to anaphylactic causative agents in classrooms and common school areas such as cafeterias.

(5) The dissemination of information on life-threatening food allergies to school staff, parents, and students, if appropriate by law.

(6) Food allergy management training of school personnel who regularly come into contact with students with life-threatening food allergies.

(7) The authorization and training of school personnel to administer epinephrine when the school nurse is not immediately available.

(8) The timely accessibility of epinephrine by school personnel when the nurse is not immediately available.

(9) Extracurricular programs such as nonacademic outings and field trips, before- and after-school programs, and school-sponsored programs held on weekends that are addressed in the individual health care plan.

(10) The collection and publication of data for each administration of epinephrine to a student at risk for anaphylaxis.

(c) RELATION TO STATE LAW.—Nothing in this Act or the policy developed by the Secretary under subsection (a) shall be construed to preempt State law, including any State law regarding whether students at risk for anaphylaxis may self-administer medication.

**SEC. 5. SCHOOL-BASED FOOD ALLERGY MANAGEMENT GRANTS.**

(a) IN GENERAL.—The Secretary may award grants of not more than $50,000 to local educational agencies to assist such agencies with implementing voluntary food allergy management guidelines described in section 4.

(b) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

(A) a certification that the food allergy management guidelines described in section 4 have been adopted by the local educational agency;

(B) a description of the activities to be funded by the grant in carrying out the food allergy management guidelines, including—

(i) how the guidelines will be carried out at individual schools served by the local educational agency;

(ii) how the local educational agency will inform parents and students of the food allergy management guidelines in place;

(iii) how school nurses, teachers, administrators, and other school-based staff will be made aware of, and given training on, when

applicable, the food allergy management guidelines in place; and

(iv) any other activities that the Secretary determines appropriate;

(C) an itemization of how grant funds received under this section will be expended;

(D) a description of how adoption of the guidelines and implementation of grant activities will be monitored; and

(E) an agreement by the local educational agency to report information required by the Secretary to conduct evaluations under this section.

(c) USE OF FUNDS.—Each local educational agency that receives a grant under this section may use the grant funds for the following:

(1) Creation of systems and databases related to creation, storage, and maintenance of student records.

(2) Purchase of equipment or services, or both, related to the creation, storage, and maintenance of student records.

(3) In partnership with local health departments, school nurse, teacher, and personnel training for food allergy management.

(4) Purchase and storage of limited medical supplies, including epinephrine and disposable wet wipes.

(5) Programs that educate students as to the presence of, and policies and procedures in place related to, food allergies and anaphylactic shock.

(6) Outreach to parents.

(7) Any other activities consistent with the guidelines described in section 4.

(d) DURATION OF AWARDS.—The Secretary may award grants under this section for a period of not more than 2 years. In the event the Secretary conducts a program evaluation under this section, funding in the second year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

(e) MAXIMUM AMOUNT OF ANNUAL AWARDS.—A grant awarded under this section may not be made in an amount that is more than $50,000 annually.

(f) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that receive Federal funding under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(g) ADMINISTRATIVE FUNDS.—A local educational agency that receives a grant under this section may use not more than 2 percent of the grant amount for administrative costs related to carrying out this section.

(h) PROGRESS AND EVALUATIONS.—At the completion of the grant period referred to in subsection (d), a local educational agency shall provide the Secretary with information on the status of implementation of the food allergy management guidelines described in section 4.

(i) SUPPLEMENT, NOT SUPPLANT.—Grant funds received under this section shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.

**SEC. 6. VOLUNTARY NATURE OF POLICY AND GUIDELINES.**

(a) IN GENERAL.—The policy developed by the Secretary under section 4(a) and the food allergy management guidelines contained in such policy are voluntary. Nothing in this Act or the policy developed by the Secretary under section 4(a) shall be construed to require a local educational agency or school to implement such policy or guidelines.

(b) EXCEPTION.—Notwithstanding subsection (a), the Secretary may enforce an agreement by a local educational agency to implement food allergy management guidelines as a condition on the receipt of a grant under section 5.

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By Mr. AKAKA (for himself and Mr. CRAIG):

S. 1233. A bill to provide and enhance intervention, rehabilitive treatment, and services to veterans with traumatic brain injury, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I, along with my good friend and ranking member, Senator CRAIG, introduce comprehensive legislation to improve the capacity of the Department of Veterans Affairs to care for veterans with traumatic brain injuries, otherwise referred to as TBI.

TBI has become the signature wound of the Iraq war. Blast injuries account for over 60 percent of all combat wounds suffered by U.S. forces in Iraq. The brain can be harmed by the shock of an explosion, or by rattling or striking of the head as a consequence of the explosion. The high incidence of powerful explosive attacks means that potentially thousands of OIF/OEF veterans have incurred some form of brain damage or impairment. Many servicemembers who would have perished from their wounds in earlier conflicts are now saved by modern body armor and rapid medical evacuation. Although these individuals survive, many of them suffer brain damage in addition to other injuries. There must be new approaches to best meet the health care needs of these veterans.

On March 27, 2007, I chaired a Committee on Veterans' Affairs hearing on VA's ability to deal with war injuries, including TBI. The provisions of this bill are a direct outgrowth of that hearing and the testimony given by those who suffer with TBI.

This bill addresses the immediate needs of veterans with TBI for high-quality rehabilitation in their communities, and provides VA clinicians with increased resources to develop the expertise and capacity to meet the lifelong needs of these veterans. The bill has seven core provisions, and authorizes a total of $63 million over 6 years to support new TBI-related initiatives. While this amounts to significant new funding, every dollar was included in our Committee's Views and Estimates Letter to the Budget Committee, and was subsequently included in the Senate-passed Budget Resolution.

I will highlight a few of the provisions of this legislation:

First, VA health care providers would be required to develop a comprehensive rehabilitation and community reintegration plan for each veteran with TBI. A diverse team of VA health care providers would be required to review and refine the plan to adapt to the needs of the veteran. Giving an injured veteran or their caregiver an opportunity to request a review of the rehabilitation plan would ensure VA's responsiveness to the needs of these individuals. This provision stems directly from the hearing testimony of Denise Mettie, whose severely injured son Evan went for months without a coherent, well-thought-out rehabilitation plan.

Second, as we heard from the story by ABC news anchor Bob Woodruff, who himself suffered a TBI, VA's four lead polytrauma centers have developed significant expertise in rehabilitative care, but most other VA facilities lack capacity for specialized TBI services. The bill would require VA to implement the individualized plan through outside providers in cases where VA is unable to provide the required intensity of care or the veteran lives too far away to make VA treatment feasible. This provision is inspired by the hearing testimony of Dr. Bruce Gans, who called for greater private sector involvement in veterans' rehabilitation in those cases where VA lacks capacity or geographic reach. Our goal is to ensure that VA care is the finest in the country. When VA cannot adequately serve veterans with TBI, community providers need to be utilized.

Third, care for veterans with severe TBI often leads to nursing home care. This legislation would give VA providers, in collaboration with the Defense and Veterans Brain Injury Center, the ability to conduct innovative research and treatment to ''re-awaken'' veterans with severe TBI, by making $15 million available for research and care over 5 years.

Finally, the legislation makes available $48 million over 6 years for VA to maximize the independence, quality of life, and community reintegration of veterans with TBI who are unable to manage routine activities of daily living. These funds would be available for an assisted living pilot program for those with TBI, so that veterans who might otherwise be forced into institutional long-term care will instead have an opportunity to live in group homes or under other arrangements. The bill also requires special consideration for rural veteran participation in this pilot program.

I urge all of my colleagues to support this innovative and comprehensive legislation, which will bring hope and progress to many brain injured veterans and their families.

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

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

S. 1233

*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 ''Veterans Traumatic Brain Injury Rehabilitation Act of 2007''.

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

**SEC. 2. SENSE OF CONGRESS ON DEPARTMENT OF VETERANS AFFAIRS EFFORTS IN THE REHABILITATION AND REINTEGRATION OF VETERANS WITH TRAUMATIC BRAIN INJURY.**

It is the sense of Congress that—

(1) the Department of Veterans Affairs should have the capacity and expertise to provide veterans who have a traumatic brain injury with patient-centered health care, rehabilitation, and community integration services that are comparable to or exceed similar care and services available to persons with such injuries in the academic and private sector;

(2) rehabilitation for veterans who have a traumatic brain injury should be individualized, comprehensive, and multidisciplinary with the goals of optimizing the independence of such veterans and reintegrating them into their communities;

(3) family support is integral to the rehabilitation and community reintegration of veterans who have sustained a traumatic brain injury, and the Department should provide the families of such veterans with education and support;

(4) the Department of Defense and Department of Veterans Affairs have made efforts to provide a smooth transition of medical care and rehabilitative services to individuals as they transition from the health care system of the Department of Defense to that of the Department of Veterans Affairs, but more can be done to assist veterans and their families in the continuum of the rehabilitation, recovery, and reintegration of wounded or injured veterans into their communities; and

(5) in planning for rehabilitation and community reintegration of veterans who have a traumatic brain injury, it is necessary for the Department of Veterans Affairs to provide a system for life-long case management for such veterans.

**SEC. 3. INDIVIDUAL REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR VETERANS AND OTHERS WITH TRAUMATIC BRAIN INJURY.**

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710B the following new section:

**"§ 1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community**

''(a) PLAN REQUIRED.—The Secretary shall, for each veteran or member of the Armed Forces who receives inpatient rehabilitation care from the Department for a traumatic brain injury—

''(1) develop an individualized plan for the rehabilitation and reintegration of such individual into the community; and

''(2) provide such plan to such individual before such individual is discharged from inpatient care.

''(b) CONTENTS OF PLAN.—Each plan developed under subsection (a) shall include, for the individual covered by such plan, the following:

''(1) Rehabilitation objectives for improving the physical, cognitive, vocational, and psychosocial functioning of such individual with the goal of maximizing the independence and reintegration of such individual into the community.

''(2) A description of specific interventions, rehabilitative treatments, and other services to achieve the objectives described in paragraph (2), which description shall set forth the type, frequency, duration, and location of such interventions, treatments, and services.

''(3) The name of the case manager designated in accordance with subsection (d) to be responsible for the implementation of such plan.

''(4) Dates on which the effectiveness of the plan will be reviewed in accordance with subsection (f).

''(c) COMPREHENSIVE ASSESSMENT.—

''(1) IN GENERAL.—Each plan developed under subsection (a) shall be based upon a comprehensive assessment, developed in accordance with paragraph (2), of—

''(A) the physical, cognitive, vocational, and psychosocial impairments of such individual; and

''(B) the family education and family support needs of such individual after discharge from inpatient care.

''(2) FORMATION.—The comprehensive assessment required under paragraph (1) with respect to an individual is a comprehensive assessment of the matters set forth in that paragraph by a team, composed by the Secretary for purposes of the assessment, from among individuals with expertise in traumatic brain injury as follows:

''(A) A neurologist.

''(B) A rehabilitation physician.

''(C) A social worker.

''(D) A neuropsychologist or neuropsychiatrist.

''(E) A physical therapist.

''(F) A vocational rehabilitation specialist.

''(G) An occupational therapist.

''(H) A rehabilitation nurse.

''(I) Such other health care professionals as the Secretary considers appropriate, including—

''(i) an audiologist;

''(ii) a blind rehabilitation specialist;

''(iii) a recreational therapist;

''(iv) a speech language pathologist; and

''(v) a low vision optometrist.

''(d) CASE MANAGER.—The Secretary shall designate a case manager for each individual described in subsection (a) to be responsible for the implementation of the plan required by such subsection for such individual.

''(e) PARTICIPATION AND COLLABORATION IN DEVELOPMENT OF PLANS.—(1) The Secretary shall involve each individual described in subsection (a), and the family of such individual, in the development of the plan for such individual under that subsection to the maximum extent practicable.

''(2) The Secretary shall collaborate in the development of a plan for an individual under subsection (a) with an individual with expertise in the protection of, and advocacy for, individuals with traumatic brain injury if—

''(A) the individual covered by such plan requests such collaboration; or

''(B) if such individual is incapacitated, the family or guardian of such individual requests such collaboration.

''(3) In the case of a plan required by subsection (a) for a member of the Armed Forces who is on active duty, the Secretary shall collaborate with the Secretary of Defense in the development of such plan.

''(4) In developing vocational rehabilitation objectives required under subsection (b)(2) and in conducting the assessment required under subsection (c), the Secretary shall act through the Under Secretary for Health in coordination with the Vocational Rehabilitation and Employment Service of the Department of Veterans Affairs.

''(f) EVALUATION.—

''(1) PERIODIC REVIEW BY SECRETARY.—The Secretary shall periodically review the effectiveness of each plan developed under subsection (a). The Secretary shall refine each such plan as the Secretary considers appropriate in light of such review.

''(2) REQUEST FOR REVIEW BY VETERANS.—In addition to the periodic review required by paragraph (1), the Secretary shall conduct a review of the plan of a veteran under paragraph (1) at the request of such veteran, or in the case that such veteran is incapacitated, at the request of the guardian or the designee of such veteran.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1710B the following new item:

''1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community.''.

**SEC. 4. USE OF NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR IMPLEMENTATION OF REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR TRAUMATIC BRAIN INJURY.**

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710C, as added by section 3 of this Act, the following new section:

**"§ 1710D. Traumatic brain injury: use of non-Department facilities for rehabilitation**

''(a) IN GENERAL.—Subject to section 1710(a)(4) of this title and subsection (b) of this section, the Secretary shall provide intervention, rehabilitative treatment, or services to implement a plan developed under section 1710C of this title at a non-Department facility with which the Secretary has entered into an agreement for such purpose, to an individual—

''(1) who is described in subsection (a) of such section; and

''(2)(A) to whom the Secretary is unable to provide such intervention, treatment, or services at the frequency or for the duration prescribed in such plan; or

''(B) who resides at such distance, as determined by the Secretary, from a Department medical facility as to make the implementation of such plan through a Department facility infeasible or impracticable.

''(b) STANDARDS.—The Secretary may not provide intervention, treatment, or services as described in subsection (a) at a non-Department facility under such subsection unless such facility maintains standards for the provision of such intervention, treatment, or services established by an independent, peer-reviewed organization that accredits specialized rehabilitation programs for adults with traumatic brain injury.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1710C, as added by section 3 of this Act, the following new item:

''1710D. Traumatic brain injury: use of non-Department facilities for rehabilitation.''.

**SEC. 5. RESEARCH, EDUCATION, AND CLINICAL CARE PROGRAM ON SEVERE TRAUMATIC BRAIN INJURY.**

(a) PROGRAM REQUIRED.—Subchapter II of chapter 73 of title 38, United States Code, is

amended by inserting after section 7330 the following new section:

**''§ 7330A. Severe traumatic brain injury research, education, and clinical care program**

''(a) PROGRAM REQUIRED.—The Secretary shall establish a program on research, education, and clinical care to provide intensive neuro-rehabilitation to veterans with a severe traumatic brain injury, including veterans in a minimally conscious state who would otherwise receive nursing home care.

''(b) COLLABORATION REQUIRED.—The Secretary shall establish the program required by subsection (a) in collaboration with the Defense and Veterans Brain Injury Center of the Department of Defense and academic institutions selected by the Secretary from among institutions having an expertise in research in neuro-rehabilitation.

''(c) EDUCATION REQUIRED.—As part of the program required by subsection (a), the Secretary shall conduct educational programs on recognizing and diagnosing mild and moderate cases of traumatic brain injury.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for each of fiscal years 2008 through 2012, $3,000,000 to carry out the program required by subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7330 the following new item:

''7330A. Severe traumatic brain injury research, education, and clinical care program.''.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the research to be conducted under the program required by section 7330A of title 38, United States Code, as added by subsection (a).

**SEC. 6. PILOT PROGRAM ON ASSISTED LIVING SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.**

(a) PILOT PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a pilot program to assess the effectiveness of providing assisted living services to eligible veterans to enhance the rehabilitation, quality of life, and community integration of such veterans.

(b) DURATION OF PROGRAM.—The pilot program shall be carried out during the five-year period beginning on the date of the commencement of the pilot program.

(c) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at locations selected by the Secretary for purposes of the pilot program. Of the locations so selected—

(A) at least one shall be in each health care region of the Veterans Health Administration that contains a polytrauma center of the Department of Veterans Affairs; and

(B) any other locations shall be in areas that contain high concentrations of veterans with traumatic brain injury, as determined by the Secretary.

(2) SPECIAL CONSIDERATION FOR VETERANS IN RURAL AREAS.—Special consideration shall be given to provide veterans in rural areas with an opportunity to participate in the pilot program.

(d) PROVISION OF ASSISTED LIVING SERVICES.—

(1) AGREEMENTS.—In carrying out the pilot program, the Secretary may enter into agreements for the provision of assisted living services on behalf of eligible veterans with either of the following:

(A) A provider of services that has entered into a provider agreement under section 1866(a) of the Social Security Act (42 U.S.C. 1395cc(a)).

(B) A provider participating under a State plan under title XIX of such Act (42 U.S.C. 1396 et seq.).

(2) STANDARDS.—The Secretary may not place, transfer, or admit a veteran to any facility for assisted living services under this program unless the Secretary determines that the facility meets such standards as the Secretary may prescribe for purposes of the pilot program. Such standards shall, to the extent practicable, be consistent with the standards of Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such facilities.

(e) CONTINUATION OF CASE MANAGEMENT AND REHABILITATION SERVICES.—In carrying the pilot program under subsection (a), the Secretary shall continue to provide each veteran who is receiving assisted living services under the pilot program with rehabilitative services and shall designate Department health-care employees to furnish case management services for veterans participating in the pilot program.

(f) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the completion of the pilot program, the Secretary shall submit to the congressional veterans affairs committees a report on the pilot program.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the pilot program.

(B) An assessment of the utility of the activities under the pilot program in enhancing the rehabilitation, quality of life, and community reintegration of veterans with traumatic brain injury.

(C) Such recommendations as the Secretary considers appropriate regarding the extension or expansion of the pilot program.

(g) DEFINITIONS.—In this section:

(1) The term ''assisted living services'' means services of a facility in providing room, board, and personal care for and supervision of residents for their health, safety, and welfare.

(2) The term ''case management services'' includes the coordination and facilitation of all services furnished to a veteran by the Department of Veterans Affairs, either directly or through contract, including assessment of needs, planning, referral (including referral for services to be furnished by the Department, either directly or through a contract, or by an entity other than the Department), monitoring, reassessment, and followup.

(3) The term ''congressional veterans affairs committees'' means—

(A) the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Veterans' Affairs of the House of Representatives.

(4) The term ''eligible veteran'' means a veteran who—

(A) is enrolled in the Department of Veterans Affairs health care system;

(B) has received treatment for traumatic brain injury from the Department of Veterans Affairs;

(C) is unable to manage routine activities of daily living without supervision and assistance; and

(D) could reasonably be expected to receive ongoing services after the end of the pilot program under this section under another government program or through other means.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs to carry out this section, $8,000,000 for each of fiscal years 2008 through 2013.

**SEC. 7. AGE-APPROPRIATE NURSING HOME CARE.**

(a) FINDING.—Congress finds that young veterans who are injured or disabled through military service and require long-term care should have access to age-appropriate nursing home care.

(b) REQUIREMENT TO PROVIDE AGE-APPROPRIATE NURSING HOME CARE.—Section 1710A of title 38, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) The Secretary shall ensure that nursing home care provided under subsection (a) is provided in an age-appropriate manner.''.

**SEC. 8. RESEARCH ON TRAUMATIC BRAIN INJURY.**

(a) INCLUSION OF RESEARCH ON TRAUMATIC BRAIN INJURY UNDER ONGOING RESEARCH PROGRAMS.—The Secretary of Veterans Affairs shall, in carrying out research programs and activities under the provisions of law referred to in subsection (b), ensure that such programs and activities include research on the sequelae of traumatic brain injury, including—

(1) research on visually-related neurological conditions;

(2) research on seizure disorders; and

(3) research on means of improving the diagnosis, treatment, and prevention of such sequelae.

(b) RESEARCH AUTHORITIES.—The provisions of law referred to in this subsection are the following:

(1) Section 3119 of title 38, United States Code, relating to rehabilitation research and special projects.

(2) Section 7303 of title 38, United States Code, relating to research programs of the Veterans Health Administration.

(3) Section 7327 of title 38, United States Code, relating to research, education, and clinical activities on complex multi-trauma associated with combat injuries.

(c) COLLABORATION.—In carrying out the research required by subsection (a), the Secretary shall collaborate with facilities that—

(1) conduct research on rehabilitation for individuals with traumatic brain injury; and

(2) receive grants for such research from the National Institute on Disability and Rehabilitation Research of the Department of Education.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report describing in comprehensive detail the research to be carried out in order to fulfill the requirement in subsection (a).

Mr. CRAIG. Mr. President, I rise today as the Ranking Member of the Senate Committee on Veterans' Affairs to join my distinguished colleague, Senator AKAKA, who serves as the Chairman of the Committee, in introducing this important legislation to assist veterans who suffer from a traumatic brain injury.

Every so often an issue of incredible importance confronts this institution and government as whole. And when it does, it is critical that we here in Congress cut through the politics of this institution and the red tape of government and do what is right and necessary for Americans in need. The bill Senator AKAKA and I are introducing today is one of those times and veterans with traumatic brain injury is one of those issues.

Sadly, hundreds and perhaps even thousands of our dedicated servicemen

and women are returning from Iraq and Afghanistan with mild, moderate, and even severe head trauma. Improvised Explosive Devices detonating regularly throughout Iraq have exposed our soldiers, sailors, airmen and Marines to countless instances in which a TBI can occur. The long-term consequences of these injuries are, in many ways, unknown to us. There's so much modern medicine doesn't know about how the brain functions, let alone how little we know about the consequences of small changes in its functioning.

Still, it is incumbent on us to do everything in our power to provide the best care and services to those servicemembers and veterans in need of TBI care and rehabilitation. To that end, Senator AKAKA and I believe that quality TBI care must include certain elements, which this legislation would impose on VA.

Most important among these new requirements is the directive for VA to provide every veteran who has an inpatient stay for a TBI with an individual plan for rehabilitation and reintegration. This may sound to many of my colleagues like a very simple, and thus unimportant, requirement. But, I believe it is a critical component of recovery.

It is a requirement that patients, families, doctors, nurses, social workers, etc., sit down and develop a detailed plan to maximize the chances of recovery and independent living at some point in the future for an injured servicemember or veteran. In short, it is the start of the road to recovery.

In addition to the requirement for individual plans, VA must be given some flexibility to seek out private care services when the situation or the severity of the traumatic brain injury calls for it. This legislation would establish the parameters for receipt of that care and I believe send an important message to VA and our wounded veterans that we want the best care possible regardless of whether it is obtained through a door with the letters V–A over them or through a door with a different name.

Also, this bill would establish a research, clinical care, and education program for traumatic brain injury. The program would be modeled on VA's very successful Mental Illness Research, Education and Clinical Care program as well as the special programs for Parkinson's disease and geriatric medicine. The nation must invest in learning more about the debilitating conditions that accompany a traumatic brain injury so that one day we might look forward to better treatment and, most importantly, a better quality of life for these heroes.

Finally, the legislation would create a pilot program for assisted living for veterans with severe traumatic brain injury. I recognize that generally assisted living is not a program that VA has embraced in the past. But, the sheer number of those suffering with TBI and the severity of those conditions demand that we once again consider assisted living as a viable means of providing some quality of life to veterans and their families. And I am proud that assisted living will once again be a component of care provided by VA.

I urge all of my colleagues to cosponsor this legislation. The Chairman and I are very proud of the work we've done together in this legislation. I see a lot of progress in VA with respect to the care they are providing all of our wounded soldiers and veterans. But, more can be done.

I think this bill will move VA further in the direction they are heading and provide veterans with traumatic brain injuries an opportunity to achieve a full and productive life.

With that, again, I want to again thank Chairman AKAKA for his work.

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By Mr. LAUTENBERG (for himself and Mrs. CLINTON):

S. 1234. A bill to strengthen the liability of parent companies for violations of sanctions by foreign entities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LAUTENBERG. Mr. President, I am pleased to introduce the Stop Business With Terrorists Act of 2007. Senator CLINTON is joining me as an original cosponsor of this important bill. This bill will shut down a source of revenue that flows to terrorists and rogue regimes that threaten our nation's security.

President Bush has made the statement that money is the lifeblood of terrorist operations. He could not be more right. Amazingly, some of our corporations are providing revenue to terrorists by doing business with these rogue regimes. My bill is simple. It closes a loophole in the law that allows American companies to do business with our enemies.

Our current sanctions laws prohibit United States companies from doing business directly with Iran, but the law contains a loophole. It enables an American company to create a foreign-based subsidiary that can do business with that prohibited country. As long as this loophole is in place, our sanctions laws have no teeth.

My bill will close this loophole once and for all and will cut off a major source of revenue for terrorists. It will require foreign subsidiaries that are majority controlled by a U.S. parent company to follow U.S. sanctions laws. For those companies that would need to divest from such a situation, they would have 90 days to do so. This is a simple concept with significant impact.

It is critical that we starve these rogue regimes and the terrorists they support at the source. Of the companies that are taking advantage of this loophole, the country that has benefited the most has been Iran. And as we know, Iran funds Hamas, Hezbollah, the Palestinian Islamic Jihad, and other terrorist organizations. We should not allow American-controlled companies to provide cash to Iran so that they can convert these funds into bullets and bombs to be used against us and our allies.

It is inexcusable for American companies to engage in any business practice that provides revenues to terrorists, and we have to stop it. I urge my colleagues to support this bill and to close the terror funding loophole.

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

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

S. 1234

*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 ''Stop Business with Terrorists Act of 2007''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) ENTITY.—The term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization.

(2) PARENT COMPANY.—The term ''parent company'' means an entity that is a United States person and—

(A) the entity owns, directly or indirectly, more than 50 percent of the equity interest by vote or value in another entity;

(B) board members or employees of the entity hold a majority of board seats of another entity; or

(C) the entity otherwise controls or is able to control the actions, policies, or personnel decisions of another entity.

(3) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such entity.

**SEC. 3. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN ENTITIES.**

(a) IN GENERAL.—In any case in which an entity engages in an act outside the United States that, if committed in the United States or by a United States person, would violate the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13059 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the parent company of the entity shall be subject to the penalties for the act to the same extent as if the parent company had engaged in the act.

(b) APPLICABILITY.—Subsection (a) shall not apply to a parent company of an entity on which the President imposed a penalty for a violation described in subsection (a) that was in effect on the date of the enactment of this Act if the parent company divests or terminates its business with such entity not later than 90 days after such date of enactment.

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By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 1236. A bill to amend the Elementary and Secondary Education Act of

1965 regarding highly qualified teachers, growth models, adequate yearly progress, Native American language programs, and parental involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I rise to speak about legislation I am introducing entitled the School Accountability Improvements Act. We all know about No Child Left Behind, the Federal legislation that was introduced in 2001. We recognize that NCLB made significant changes to Federal requirements for school districts in our States. Many of these changes have been very positive and truly quite necessary. Because of No Child Left Behind, there is clearly more national attention being paid to ensure that school districts and the States are held accountable for the achievement of students with disabilities and for those who are economically disadvantaged and for minority students.

In Alaska, this has meant, for example, that more of our urban school districts are paying closer attention than ever to the needs of our Alaska Native students. People across the Nation are also more aware that a teacher's knowledge of the subject matter and his or her ability to teach that subject are perhaps the most important factors in a child's achievement in school. Teachers, parents, administrators, and communities have more data now than they have ever had, more data about the achievement of the individual students and the subgroups of students and about our schools. With that data, we are making changes to school policies and procedures, and more students are now getting the help they need to succeed.

While these are just a few of the positive effects of No Child Left Behind, we recognize there have been problems. This is not surprising, as it is quite difficult to write one law that will work for a large urban city such as New York City in the East and have that be made generally applicable to a small remote rural community such as Nuiqsuit, AK.

My bill, the School Accountability Improvements Act, is meant to address five issues that we have identified in Alaska that are of particular concern to our State and of equal concern to other States. The first area we are focusing on would give flexibility to States regarding NCLB's highly qualified teacher requirements. In very small rural schools, particularly in my State, we will see a school where you have one teacher who is tasked with teaching multiple course subjects in the middle and in the high school grades.

Under NCLB, the requirement is that the teacher must be highly qualified in each of these subject matter areas. But I have been listening to some of the teachers out in my remote communities. They may be hired to be the English teacher, but in a remote community with a small school, something may happen during the year. Say, the science teacher or the math teacher has left in the middle of the school year—not an uncommon situation—they are not able to get anyone into that school to help. So now the English teacher is tasked to teach another subject.

Under NCLB, he or she would then be required to be highly qualified in every subject they teach. So what my legislation would allow is for middle and high school teachers who work in schools with fewer than 200 students and that have difficulty hiring and retaining qualified teachers in these areas to be deemed to be ''highly qualified'' if they have a degree or they pass a rigorous subject matter test in one of the core subjects they teach, as long as they can demonstrate they are highly effective at delivering instruction on a State-developed performance assessment.

We are doing this in the State of Alaska now, where essentially a teacher can demonstrate, through the use of a video, their teaching methodology. But we must recognize we will have situations in our smaller schools, in our rural schools, where in order to be highly qualified in every core subject area they are teaching, we simply are not able to meet that. So we are asking for a level of flexibility for the States.

We recognize it is vital that the teachers know the subjects they teach. This is critical. But it is also unreasonable to expect teachers in these very tiny schools to meet the current requirements in every single subject they may end up teaching. It is almost impossible for school districts to find and then hire such teachers. So this provision is offered as a compromise in these limited situations.

The second area the legislation focuses on is how we determine or how we calculate Adequate Yearly Progress. My legislation would require the U.S. Department of Education to approve a State's use of a growth model for calculating Adequate Yearly Progress if that model meets the core requirements of No Child Left Behind.

Now, we know it can be useful for teachers, certainly for the administrators, to know how one group of third grade students, how one class compares to, say, the next year's class. But it is much more useful for educators, students, and parents to know how well each individual child has mastered each year's State standards.

As a parent, yes, I want to know how my son's class is advancing as a whole. But as a parent, I want to know how he is doing from year to year, not just how his third grade class did and how the next class coming up behind him is going to do. I want to know what it means for me and my child as an individual.

Schools should be held accountable for how well they are addressing each child's needs. Is the child proficient? Is he or she on track to be proficient? Or is he or she falling behind? These are things parents want to know. Are the schools making great progress in bringing all children to great proficiency, or are they maybe just missing the mark, or are they having very systemic difficulties? We know so many of the States now have very robust data systems that will allow them to track this information. NCLB should allow them to use the statistical model that is going to be most useful. It will actually be the best indicator of how each child is doing.

Another area the legislation addresses is the issue of school choice and tutoring. As you know, No Child Left Behind gives parents an opportunity to move their children out of a dysfunctional school. If the school fails to meet AYP 2 years running, then the next choice that is offered the parent is your child can go to another school. In some parts of my State, that is geographically, physically impossible, and we have made accommodations around that. In the more urban school districts in Alaska, what we have found is parents are not choosing, as a general rule, to exercise that option. They are looking for something else. The law requires school districts to offer the school choice and to set aside funds to pay for the transportation in year 2 of improvement status. Then, in year 3, schools are required to offer tutoring if they reach that needs improvement status then.

What I am suggesting in my legislation as to school choice is that moving children in year 2, if we fail to meet Adequate Yearly Progress, is too early in the process. Schools should be given the opportunity to address their deficiencies first, addressing them first within the school before they transport the students all over town. I think most parents agree with this. This is why, at least in Alaska, we are seeing fewer than 2 percent of parents choosing to transfer their children to another school. They would rather have those supplemental services offered in the school to see if they can't help address the needs of the child. Then if it still does not work, let's look to the next option.

So my bill would flip the school choice and the tutoring. It would also limit the requirement for schools to offer these options to students who are not proficient rather than to all the children, including those who are being well served by the school. It would also allow the school districts to provide tutoring to students even if they are in improvement status. It is recognizing, again, we should look at the individual child and see if we can't tailor this to make it more responsive.

As you know, assessing whether a child is proficient on State standards in a reliable and valid way is difficult. It is even more difficult when the child has a disability or has limited English proficiency. Research has not caught up with assessments for these subgroups, and no one is completely sure

whether the tests they are giving these students are measuring what they know. Yet, NCLB requires that if a school does not make AYP for any subgroup for 6 years, the school district has the option to completely restructure that school. Similarly, a State has the option to restructure an entire school district.

For those truly dysfunctional schools and districts, that may be appropriate as determined by the individual district or State. But if we do not even know if the assessment scores are valid and reliable, how do we justify taking over a school, firing its teachers, turning its governance over to another entity, or other such drastic measures? We cannot. But we recognize that each child with a disability, and each child who is limited English proficient deserves the best possible education.

So that is why my bill would not allow a school or a school district to be restructured if: No. 1, the school missed AYP for one or both of those subgroups alone; and, No. 2, the school can show through a growth model that the students in those two subgroups are on track to be proficient.

Another area in the legislation we focus on is our Native heritage languages. In Alaska, Hawaii, and several other States, Native Americans are working hard to keep their heritage languages and their cultures alive. Teachers will tell you, and the research backs them up, that Alaskan Native, Native Hawaiian, and American Indian students learn better when their heritage is a respected and vibrant part of their education. This is true of any child, but I think particularly true for these groups of Americans.

Many schools around the country that serve these students have incorporated native language programs into their early curriculums—the curriculums in grades K–3. The problem is that in many instances, there is no valid and reliable way to assess whether the students have learned their State standards in that language. Neither is it valid to test what a student knows in a language they do not speak well.

The example I will give you is that in the Lower Kuskokwim School District, in many of the schools, in an effort to get the children to connect with their education and to connect with their Yupik heritage, Yupik is taught in grades K–3. It is an immersion level program. If you go out there, the children are reading in Yupik. They are doing their math in Yupik. They are doing science experiments in Yupik. But then, in grade 3, they are required to test, under NCLB, in English.

Now, not surprisingly, the children are not doing well on these tests. We need to anticipate the results. If you have not taught a child in a language in which they are going to be tested, perhaps, initially, they are not going to be performing at the level we want.

I want to impress upon my colleagues the importance I believe we should place on allowing for those heritage languages to be preserved, to encourage our students in languages. Our research tells us—and I can tell you from a very personal experience with my two boys, who were part of a Spanish immersion program from the time they were in kindergarten through 8th grade in the public schools in Anchorage, they learned their sciences and math and geography and all their subjects in Spanish as well as English. Initially, you are a little anxious because: Are the test scores going to measure up? But what we can tell you is that by the time the children are being tested, certainly up in middle school, they are not only testing strong—very strong in both languages—but they know a second language very well.

What my legislation will do in this area is allow schools with Native American language programs in States where there is no assessment in that heritage language to count the third graders—the first time they take the standardized tests—to count the students for participation rate only. It would then allow the school to make AYP if those students are proficient or on track to be proficient in grades 4 through 7.

Then, the final area of my legislation is what I am calling the parent piece. As a parent, we know—you know; my colleague from the State of Washington was very involved with education before she came to the Senate as well—we all know as parents how important it is to be involved in our children's education.

At the end of the day, not only did my husband and I check on our boys' homework, we asked them: What happened today? What is going on? I was PTA president at my kids' elementary school.

NCLB recognizes that in many ways it is very important that parents are part of a child's education. But we also recognize we can be doing more. My bill would amend title II of NCLB, which authorizes subgrants for preparing, training, and recruiting teachers and principals, to allow—but not mandate—these funds to be used to develop parental engagement strategies, to train educators to communicate more effectively with parents, and better involve parents in their schools.

We all know how great our Nation's teachers are. But our reality is, very few of them graduate from college having had a course on how to effectively communicate with parents. They know how important it is, but they are taught no techniques. Teachers are busy people. When a parent shows up at a classroom door and says: Hey, I am here to help, teachers often do not know how to react, how to allow them to help. Many teachers have difficulty communicating with parents, who may be working two jobs or have a different cultural background or language. This section of the bill would allow schools to spend some of their teacher training funds on these sorts of issues if they feel it would benefit their students.

I know these five issues are not the only ones my colleagues and Americans may have with the No Child Left Behind Act. I have been talking with Alaskans all over the State about NCLB since I first came to the Senate. I look forward to working very hard on the reauthorization of the law this year with my colleagues. These, though, are the five issues that educators and parents in Alaska have told me are the most urgent for them, and I look forward to working to include them in the reauthorization as we move forward.

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

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

S. 1236

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''School Accountability Improvements Act''.

**SEC. 2. HIGHLY QUALIFIED TEACHERS IN SMALL SCHOOLS.**

(a) PURPOSE.—The purpose of this section is to ensure that teachers in public elementary and secondary schools know the subject matter and curriculum that they are teaching and can convey the subject matter to students.

(b) HIGHLY QUALIFIED TEACHERS OF MULTIPLE ACADEMIC SUBJECTS IN SMALL SCHOOLS.—Section 1119(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)) is amended by adding at the end the following:

''(4) EXCEPTION FOR MULTI-SUBJECT TEACHERS IN SMALL SCHOOLS.—

''(A) IN GENERAL.—Notwithstanding section 9101(23) or any other provision of this Act, a middle or secondary school teacher who is employed to teach multiple core academic subjects in a school designated as a small school under subparagraph (B) but who is not highly qualified as the term is defined in such section, shall be deemed to be highly qualified for purposes of this Act if the teacher—

''(i) meets the requirements of subparagraph (A) of such section;

''(ii) meets the requirements of subclause (I) or (II) of subparagraph (B)(ii) of such section for 1 or more of the core academic subjects that the teacher teaches; and

''(iii) demonstrates highly effective delivery of instruction on a performance assessment, developed or adopted by the State within which the small school is located, that assesses skills that are widely accepted as necessary for the effective delivery of instruction.

''(B) SMALL SCHOOL.—A State educational agency shall designate a school as a small school for a school year if the State educational agency determines, based on evidence provided by the local educational agency serving the school, that the school—

''(i) has unique staffing or hiring challenges that require 1 or more teachers at the school to teach multiple core academic subjects for such year;

''(ii) has made a reasonable effort to recruit and retain for such year middle or secondary school teachers who meet the requirements of subparagraph (A) and either subparagraph (B) or (C) of section 9101(23), to teach all students attending the school; and

''(iii) had an average daily student membership of less than 200 students for the previous full school year.''.

**SEC. 3. GROWTH MODELS.**

Section 1111(b)(2) of the Elementary and Secondary Education Act (20 U.S.C. 6311(b)(2)) is amended by adding at the end the following:

''(L) GROWTH MODELS.—

''(i) IN GENERAL.—In the case of a State that desires to satisfy the requirements of a single, statewide State accountability system under subparagraph (A) through the use of a growth model, the Secretary shall approve such State's use of the growth model if—

''(I) the State plan ensures that 100 percent of students in each group described in subparagraph (C)(v)—

''(aa) meet or exceed the State's proficient level of academic achievement on the State assessments under paragraph (3) by the 2013–2014 school year; or

''(bb) are making sufficient progress to enable each student to meet or exceed the State's proficient level on such assessments for the student's corresponding grade level not later than the student's final year in secondary school;

''(II) the State plan complies with all of the requirements of this paragraph, except as provided in clause (ii);

''(III) the growth model is based on a fully approved assessment system;

''(IV) the growth model calculates growth in student proficiency for the purposes of determining adequate yearly progress either by individual students or by cohorts of students, and may use methodologies, such as confidence intervals and the State-approved minimum designations, that will yield statistically reliable data;

''(V) the growth model includes all students; and

''(VI) in the case of a growth model that tracks individual students, the State has the capacity to track and manage the data efficiently and effectively.

''(ii) SPECIAL RULE.—Notwithstanding any other provision of law, for purposes of any provision that requires the calculation of a number or percentage of students who must meet or exceed the proficient level of academic achievement on a State assessment under paragraph (3), a State using a growth model approved under clause (i) shall calculate such number or percentage by counting—

''(I) the students who meet or exceed the proficient level of academic achievement on the State assessment; and

''(II) the students who, as demonstrated through the growth model, are making sufficient progress to enable each student to meet or exceed the proficient level on the assessment for the student's corresponding grade level not later than the student's final year in secondary school.''.

**SEC. 4. SCHOOL CHOICE AND SUPPLEMENTAL EDUCATIONAL SERVICES.**

(a) SCHOOL CHOICE AND SUPPLEMENTAL EDUCATIONAL SERVICES.—Section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (E) and inserting the following:

''(E) SUPPLEMENTAL EDUCATIONAL SERVICES.—In the case of a school identified for school improvement under this paragraph, the local educational agency shall, not later than the first day of the school year following such identification, make supplemental educational services available consistent with subsection (e)(1).''; and

(B) by striking subparagraph (F);

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

''(5) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS AFTER IDENTIFICATION.—

''(A) IN GENERAL.—In the case of any school served under this part that fails to make adequate yearly progress, as set out in the State's plan under section 1111(b)(2), by the end of the first full school year after identification under paragraph (1), the local educational agency serving such school shall—

''(i) provide students in grades 3 through 12 who are enrolled in the school and who did not meet or exceed the proficient level on the most recent State assessment in mathematics or in reading or language arts with the option to transfer to another public school served by the local educational agency in accordance with subparagraph (B);

''(ii) continue to make supplemental educational services available consistent with subsection (e)(1); and

''(iii) continue to provide technical assistance.

''(B) PUBLIC SCHOOL CHOICE.—

''(i) IN GENERAL.—In carrying out subparagraph (A)(i) with respect to a school, the local educational agency serving such school shall, not later than the first day of the school year following such identification, provide all students described in subparagraph (A)(i) with the option to transfer to another public school served by the local educational agency, which may include a public charter school, that has not been identified for school improvement under this paragraph, unless such an option is prohibited by State law.

''(ii) RULE.—In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest achieving children from low-income families, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1).

''(C) TRANSFER.—Students who use the option to transfer under subparagraph (A)(i), paragraph (7)(C)(i) or (8)(A)(i), or subsection (c)(10)(C)(vii) shall be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school.''; and

(3) in paragraph (8)(A)(i), by striking ''all''.

(b) SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS.—Section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)) is amended—

(1) by redesignating paragraph (12) as paragraph (13);

(2) by inserting after paragraph (11) the following:

''(12) RULE REGARDING PROVIDERS.—Notwithstanding paragraph (13)(B), a local educational agency identified under subsection (c) that is required to arrange for the provision of supplemental educational services under this subsection may serve as a provider of such services in accordance with this subsection.''; and

(3) in paragraph (13)(A) (as redesignated by paragraph (1)), by inserting '', who is in any of grades 3 through 12 and who did not meet or exceed the proficient level on the most recent State assessment in mathematics or in reading or language arts'' before the semicolon.

**SEC. 5. CALCULATING ADEQUATE YEARLY PROGRESS FOR STUDENTS WITH DISABILITIES AND STUDENTS WITH LIMITED ENGLISH PROFICIENCY.**

Section 1116 of the Elementary and Secondary Education Act of 1965 (as amended by section 4) (20 U.S.C. 6316) is further amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h) PARTIAL SATISFACTION OF AYP.—

''(1) SCHOOLS.—Notwithstanding this section or any other provision of law, in the case of a school that failed to make adequate yearly progress under section 1111(b)(2) solely because the school did not meet or exceed 1 or more annual measurable objectives set by the State under section 1111(b)(2)(G) for the subgroup of students with disabilities or students with limited English proficiency, or both such subgroups—

''(A) if such school is identified for school improvement under subsection (b)(1), such school shall only be required to develop or revise and implement a school plan under subsection (b)(3) with respect to each such subgroup that did not meet or exceed each annual measurable objective; and

''(B) if such school is identified for restructuring under subsection (b)(8), the local educational agency serving such school shall not be required to implement subsection (b)(8)(B) if the local educational agency demonstrates to the State educational agency that the school would have made adequate yearly progress for each assessment and for each such subgroup for the most recent school year if the percentage of students who met or exceeded the proficient level of academic achievement on the State assessment was calculated by counting—

''(i) the students who met or exceeded such proficient level; and

''(ii) the students who are making sufficient progress to enable each such student to meet or exceed the proficient level on the assessment for the student's corresponding grade level not later than the student's final year in secondary school, as demonstrated through a growth model that meets the requirements described in subclauses (III) through (VI) of section 1111(b)(2)(L)(i).

''(2) LOCAL EDUCATIONAL AGENCIES.—Notwithstanding this section or any other provision of law, in the case of a local educational agency that is identified for corrective action under subsection (c)(10) solely because the local educational agency did not meet or exceed 1 or more annual measurable objectives set by the State under section 1111(b)(2)(G) for the subgroup of students with disabilities or students with limited English proficiency, or both such subgroups, the State educational agency shall not be required to implement subsection (c)(10) if the State educational agency demonstrates to the Secretary that the school would have made adequate yearly progress for each assessment and for each such subgroup if the percentage of students who met or exceeded the proficient level of academic achievement on the State assessment was calculated by counting—

''(A) the students who meet or exceed such proficient level; and

''(B) the students who are making sufficient progress to enable each such student to meet or exceed the proficient level on the assessment for the student's corresponding grade level not later than the student's final year in secondary school, as demonstrated through a growth model that meets the requirements described in subclauses (III) through (VI) of section 1111(b)(2)(L)(i).''.

**SEC. 6. NATIVE AMERICAN LANGUAGE PROGRAMS.**

Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (as amended by section 3) (20 U.S.C. 6316(b)(2)) is further amended by adding at the end the following:

''(M) NATIVE AMERICAN LANGUAGE PROGRAMS.—Notwithstanding subparagraph (I) or any other provision of law—

''(i) a school serving students who receive not less than a half day of daily Native language instruction in an American Indian language, an Alaska Native language, or Native Hawaiian in at least grades kindergarten through grade 2 for a school year that does

not have State assessments under paragraph (3) available in the Native American language taught at the school as provided for in paragraph (3)(C)(ix)(III)—

''(I) shall assess students in grade 3 as required under paragraph (3), and such students shall be included in determining if the school met the participation requirements for all groups of students as required under subparagraph (I)(ii) for such school year; and

''(II) shall not include such assessment results for students in grade 3 in determining if the school met or exceeded the annual measurable objectives for all groups of students as required under subparagraph (I)(i) for such school year; and

''(ii) in the case of a school serving students in any of grades 4 through 8 who received such Native American language instruction, such school shall count for purposes of calculating the percentage of students who met or exceeded the proficient level of academic achievement on the State assessment—

''(I) the students who met or exceeded such proficient level; and

''(II) the students who are making sufficient progress to enable each such student to meet or exceed such proficient level on the assessment for the student's corresponding grade level by the time the student enters grade 7, as demonstrated through a growth model that meets the requirements described in subclauses (III) through (VI) of paragraph (L)(i).''.

**SEC. 7. IMPROVING EFFECTIVE PARENTAL INVOLVEMENT.**

Section 2134 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6634) is amended—

(1) in subsection (a)(2)(C), by inserting ''one or more parent teacher associations or organizations,'' after ''such local educational agencies,'';

(2) by redesignating subsection (b) as subsection (c); and

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

''(b) OPTIONAL USE OF FUNDS.—An eligible partnership that receives a subgrant under this section may use subgrant funds remaining after carrying out all of the activities described in subsection (a) for—

''(1) developing parental engagement strategies, with accountability goals, as a key part of the ongoing school improvement plan under section 1116(b)(3)(A) for a school identified for improvement under section 1116(b)(1); or

''(2) providing training to teachers, principals, and parents in skills that will enhance effective communication, which training shall—

''(A) include the research-based standards and methodologies of effective parent or family involvement programs; and

''(B) to the greatest extent possible, involve the members of the local and State parent teacher association or organization in such training activities and in the implementation of school improvement plans under section 1116(b)(3)(A).''.

**SEC. 8. CONFORMING AMENDMENTS.**

Section 1116 of the Elementary and Secondary Education Act of 1965 (as amended by sections 4 and 5) (20 U.S.C. 6316) is further amended—

(1) in subsection (b)—

(A) in paragraph (6)(F), by striking ''(1)(E),'';

(B) in paragraph (7)(C)(i), by striking ''paragraph (1)(E) and (F)'' and inserting ''subparagraphs (B) and (C) of paragraph (5)'';

(C) in paragraph (8)(A)(i), by striking ''paragraph (1)(E) and (F)'' and inserting ''subparagraphs (B) and (C) of paragraph (5)'';

(D) in paragraph (9)—

(i) by striking ''paragraph (1)(E)'' and inserting ''paragraph (5)(B)''; and

(ii) by striking ''(1)(A), (5),'' and inserting ''(5)(A),''; and

(E) in paragraph (11), by striking ''(1)(A),'';

(2) in subsection (c)(10)(C)(vii), by striking ''subsections (b)(1)(E) and (F),'' and inserting ''subparagraphs (B) and (C) of subsection (b)(5)'';

(3) in subsection (e)(1), by inserting ''(1),'' after ''described in paragraph'';

(4) in subsection (f)(1)(A)(ii), by inserting ''(A)'' after ''(b)(5)''; and

(5) in subsection (g)(3)(A), by striking ''subsection (b)(1)(E)'' and inserting ''subsection (b)(5)(B)''.

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By Mrs. CLINTON (for herself, Mr. MENENDEZ, Mrs. BOXER, Ms. CANTWELL, Mr. KERRY, Mrs. MURRAY, and Mr. LAUTENBERG):

S. 1240. A bill to provide for the provision by hospitals receiving Federal funds through the Medicare program or Medicaid program of emergency contraceptives to women who are survivors of sexual assault; to the Committee on Finance.

Mrs. CLINTON. Mr. President, in recognition of National Crime Victim's Week, I am proud to reintroduce the ''Compassionate Assistance for Rape Emergencies Act,'' a bill that will help rape and incest survivors across the country get the medical care they need and deserve.

Women deserve access to emergency contraception. For millions of women, it represents peace of mind. For survivors of rape and incest, it allows them to avoid the additional trauma of facing an unintended pregnancy. This bill makes emergency contraception available for survivors of rape and incest at any hospital receiving public funds.

Every 2 minutes a woman is sexually assaulted in the U.S. and each year, 25 to 32,000 women become pregnant as a result of rape or incest. According to a study published in the American Journal of Obstetrics and Gynecology, 50 percent of those pregnancies end in abortion.

By providing access to emergency contraception, up to 95 percent of those unintended pregnancies could be prevented if emergency contraception is administered within the first 24 to 72 hours.

I am proud that for 4 years, this has already been law in New York State. Survivors of rape and incest receive information and access to emergency contraception at every hospital in the State. In New York City, women are benefiting from Mayor Bloomberg's significant initiative to expand access to emergency contraception and family planning services and improve maternal and infant outcomes. I applaud this focus on increasing awareness about emergency contraception—to all women—so that we can work together at decreasing the rate of unintended pregnancy in this country.

Last year, the FDA made emergency contraception available over the counter for women 18 years of age and older. Despite the ideologically driven agenda against Plan B, research shows that emergency contraception is safe and effective for preventing pregnancy. More than 70 major medical organizations, including the American Academy of Pediatrics, recommended that Plan B be made available over the counter. This bill will make sure hospitals provide women in crisis with the necessary information to evaluate this option for themselves. In addition, the bill ensures that patients can receive post-exposure treatment for sexually transmitted infections for which the deferral of treatment either would significantly reduce treatment efficacy or would pose substantial risk to the individual's health.

Public health employees at the Centers for Disease Control and Prevention include access to emergency contraception as a protocol and viable option for these victims. The U.S. Department of Justice guidelines, however, make no reference to emergency contraception as a potential option for rape and incest victims. This is why I'm introducing this legislation today.

It is my sincere hope that my colleagues join me in the fight to better protect and serve our Nation's rape and incest survivors.

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By Mr. GRASSLEY:

S. 1241. A bill to amend the Internal Revenue Code of 1986 to clarify student housing eligible for the low-income housing credit, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that a bill introduced by me today to amend the Internal Revenue Code of 1986 to clarify student housing eligible for the low-income housing credit, and for other purposes, be printed in the RECORD.

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

S. 1241

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

**SECTION 1. CLARIFICATION OF STUDENT HOUSING ELIGIBLE FOR LOW-INCOME HOUSING CREDIT.**

(a) IN GENERAL.—Subclause (I) of section 42(i)(3)(D)(ii) of the Internal Revenue Code of 1986 (relating to certain students not to disqualify unit) is amended to read as follows:

''(I) single parents and their children and such parents are not dependents (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of another individual and such children are not dependents (as so defined) of another individual other than a parent of such children, or.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to—

(1) housing credit amounts allocated before, on, or after the date of the enactment of this Act, and

(2) buildings placed in service before, on, or after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof.

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By Mr. TESTER:

S. 1242. A bill to amend the Federal Crop Insurance Act and Farm Security

and Rural Investment Act of 2002 to establish a biofuel pilot program to offer crop insurance to producers of experimental biofuel crops and a program to make loans and loan guarantees to producers of experimental biofuel crops; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. TESTER. Mr. President, I rise here today to introduce the Biofuel Crop Insurance Act to provide a safety net to innovative American farmers.

America's addiction to foreign oil is one of the greatest threats to our national security and our economy. At the same time climate change is threatening the world as we know it. We are experiencing wildly shifting weather patterns, prolonged drought, intense hurricanes and melting glaciers and icecaps. We need to do something to change our energy sources to clean and domestic options, and our farmers and rural communities are leading the way.

Unfortunately, some of the best potential crops for biofuel production lack the same government safety nets like crop insurance and loans that our commodity crops have. This legislation is designed to change that by allowing the USDA to expedite the process for approving insurance to dedicated biofuel crops.

In the last few years the ethanol industry has experienced explosive growth. Ethanol is good for farmers, rural communities and our consumers. I for one would rather buy my fuel from farmers in the Midwest than dictators in the Mideast.

Corn will continue to be king of ethanol for some time. But we need to start using other crops for ethanol and biodiesel production, because if there is one thing that our recent energy crisis has taught us it is that diversity is critical. We need to expand the use of crops that don't compete with our food system that can be grown in different parts of the country, are more affordable, and require fewer inputs than corn.

In Montana, farmers are planting an oil seed crop called camelina because it can be grown on marginal lands, with few inputs, and high profits. Its oil can be crushed and made into biodiesel on farms and small communities' rural landscapes. Camelina can be used in rotation with other crops such as wheat and barley and bring new money and new development to rural States like Montana, Washington, Idaho, and the Dakotas. Montana State University is one of several academic institutions that have done extensive research into the crop in regards to what it needs to grow, where to grow it, and what farmers can expect it to produce. All their tests are positive and this year we expect that up to 20,000 acres of camelina will be planted in Montana alone. Unfortunately, farmers are hesitant to seize this opportunity because they lack an insurance safety net, and their banks won't loan them money to plant crops that aren't insured.

Being a farmer myself, I know how agriculture is beholden to Mother Nature. A dry year, a bad hail storm or a late frost can destroy a year's worth of work. Farmers need safety nets, not handouts. Crop insurance is a market mechanism that can mitigate risk for farmers. The legislation I'm introducing today will be directly responsible for extensive growth of camelina, and the emergence of a biodiesel industry for States like Montana.

If I wasn't here right now, I would be sitting on my tractor in Big Sandy, MT, planting oil seed crops on my farm and learning how to process and crush oil seeds to make biodiesel. I use 3,000 gallons of diesel fuel a year on my farm, and anxiously await the day when I can use fuel grown on my land or bought from my neighbors instead of imported from overseas.

This bill sets up a pilot insurance program for dedicated biofuel crops that displace petroleum products, and provides loans for stabilization of farm income and marketing assistance. It also creates grants for research into planting and harvesting techniques and grants to study the use of biofuel meal used as animal feeds.

I believe this bill will spark a biodiesel industry across the Northern Great Plains and I encourage my colleagues to support this legislation as it moves forward.

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By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. INOUYE, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. FEINGOLD, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CASEY, and Mrs. MCCASKILL):

S. 1244. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today I am pleased to introduce the Protecting America's Workers Act.

This week, on Workers' Memorial Day, we remember those who have been killed or injured on the job, and we reaffirm our commitment to workers and their families to do all we can to end these senseless tragedies.

We've made progress in protecting worker safety since we passed the Occupational Safety and Health Act in 1970.

But too many workers still are not safe. In 2005 alone, over 5,700 workers were killed on the job. Over 4 million became ill or were injured. That's nearly 16 deaths and 12,000 workplace injuries or illnesses each and every day.

Last year, the tragic deaths of miners at Sago and Alma mines showed us the gaps and shortcomings in mine safety. Across the country, America saw the senseless deaths of workers and the suffering of their families and friends. Every day, workers in other industries are facing equally dangerous conditions. Those dangers may not make headlines, but they continue to threaten workers' health, their lives, and their families' security.

One of the most obvious problems is that literally millions of employees today are not covered by our safety laws. Too many other firms blatantly ignore the law and refuse to do what is necessary to keep their employees safe.

Too often, as well, we find that those responsible for administering our safety laws aren't doing their job—not issuing new safety standards, not vigorously enforcing the law, and not even going after the worst offenders.

Many companies are doing too little to deal with this challenge. Some employers blatantly ignore the law, but are rarely held accountable, even when their actions or neglect kill a loyal employee who works for them. Criminal penalties are so low that prosecutors don't pursue these cases. And employers who repeatedly violate the law—time and time again—pay only minimal fines, which they treat as just another cost of doing business.

American workers and their families are paying the price. This includes people like Mike Morrison, who was killed while installing pipes at a construction site in Florida, when the nine-foot-deep trench he was working in collapsed. An OSHA investigation found that the trench had not been secured properly before workers were sent into it. The employer whose failures had killed Mike was fined a mere $21,000, a slap on the wrist. Two years earlier, the company had been cited and fined for other safety violations. As Mike's stepdaughter Michelle says, ''If the penalties had been more substantial two years ago, maybe Mike's company would have complied with the law and protected him properly, and maybe he'd still be with us today.''

Or Eleazar Torres-Gomez, who was killed working at a laundry facility in Tulsa, OK, where he had been employed for seven years. Eleazar was dragged into an industrial dryer, where the temperatures were near 300 degrees. The company he worked for had been previously fined for not installing protective guards on a similar dryer and belt at one of its other plants. Eleazar's eldest son Emanuel said, ''If the company had added the guards, which it knew were required by OSHA, my father would be alive today. The sorrow we feel is overwhelming.''

And they include workers like Tracee Binion, a science teacher in Pinson, AL. Tracee became ill after renovations on her school exposed her to chemicals in unventilated classrooms. She developed chemical pneumonitis and chemically-induced asthma, lost weeks of school and to this day must manage her asthma with medication. In Alabama, Tracee and thousands of

teachers like her are not covered by our safety laws. They have no one to call when they need protection from workplace hazards.

We need to do everything we can to see that other workers and their families don't have to suffer the same grief.

Congress can take concrete steps to address many of these failures. That's why today we are reintroducing the Protecting America's Workers Act. This legislation will do several key things:

It expands the coverage of our safety laws to protect 8.6 million public employees and transportation workers.

It requires OSHA to investigate every case where a worker is killed or seriously injured. And it gives family members greater rights to be part of accident investigations.

It also protects workers who speak up about unsafe conditions on the job, by bringing OSHA whistleblower laws in line with protections in other areas.

It puts real teeth in our safety laws by increasing penalties. These penalties have not been raised since 1990. This bill sets a minimum penalty of $50,000 for a worker's death caused by a willful safety violation. And it increases the maximum criminal penalty for killing or seriously injuring a worker to ten years of prison, instead of six months.

Beyond this legislation, we must also find new and smarter ways of keeping workers safe. We must shine a light on OSHA to ensure that our safety laws are implemented the way they were intended—to protect workers by preventing hazards on the job. The administration needs to put workers first and get the job done.

It's time to send a message to those who put their employees in harm's way that life and health must be valued above profit and greed. It's time to redouble our efforts and make our commitment a reality. It's time for Congress to act, so that the hardworking men and women of our country get what they deserve at last—the security of a safe and healthy workplace.

I urge my colleagues to join me in fighting for safe workplaces for all of America's workers. The best way for Congress to honor the Nation's hardworking men and women on this Worker's Memorial Day is to end our complacency and see that the full promise of OSHA becomes a genuine reality for every working family in every community in America.

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By Mr. CARDIN (for himself, Ms. MIKULSKI, and Mr. WARNER):

S. 1245. A bill to reform mutual aid agreements for the National Capitol Region; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARDIN. Mr. President, today I am introducing legislation that will improve mutual aid agreements for the National Capitol Region. Senators MIKULSKI and WARNER are original cosponsors of my bill.

The Intelligence Reform and Terrorism Prevention Act of 2004 contains provisions for cooperation among the National Capital Region's jurisdictions in the event of a regional or national emergency. Since that time, a model mutual aid agreement has been approved by 20 of the 21 jurisdictions in the Washington Council of Governments, the State of Maryland, the Commonwealth of Virginia, the Metropolitan Washington Airports Authority, and the Washington Metropolitan Area Transit Authority. The model mutual aid agreement is designed to append operational plans across the spectrum of public safety disciplines, including police, fire and rescue, public health, water supply, and debris removal, among others. This has opened the way for the region's governments to begin hammering out the details of how emergency responses will actually be executed.

As the jurisdictions began working on the mutual aid agreements, concern arose that drinking water and wastewater utilities were not included in the original language. The Metropolitan Washington Council of Governments brought this issue to my attention. Today's legislation will remedy the situation by providing a commonsense solution that will allow our drinking water and wastewater facilities' staffs to participate as appropriate in the mutual aid agreements.

Current law allows the jurisdictions in the Washington metropolitan area to share their personnel freely in the event of a national emergency. Firefighters in Fairfax County, for example, could be enlisted to support their counterparts in the District of Columbia or in Maryland in the event of a national or regional emergency. Similarly, emergency responders in Montgomery and Prince George's counties could support their counterparts in Alexandria or Arlington.

This legislation simply extends that same commonsense approach to drinking water and wastewater treatment authorities. If a drinking water plant were to become disabled because of a natural disaster or terrorist attack, this bill would allow licensed engineers to cross jurisdictional boundaries to come to the aid of the disabled system and the thousands of regional residents who depend on these vital systems for safe drinking water.

This legislation has the support of the Metropolitan Washington Council of Governments and the National Capital Region Water Security Workgroup, chaired by the Fairfax County Water Authority.

One section of the legislation requires some explanation. That section relates to the terms ''agent'' and ''volunteer.'' It is anticipated that the region's localities will rely on a variety of authorized agents and volunteers to assist in fulfilling their mutual aid response obligations. The act currently includes agents and volunteers in the definition of ''employee'' and requires that all agents and volunteers be ''committed in a mutual aid agreement'' to prepare for or respond to an emergency. It has become apparent in developing operational plans, however, that it is not likely that a complete list of agents and volunteers will be identified and become parties to a mutual aid agreement with one or more of the region's localities. Instead, it is more likely that agents and volunteers will be associated with a locality through a mechanism other than an actual mutual aid agreement. Moreover, it is probable that the association with an agent or volunteer will arise only in direct response to a particular emergency. For example, a locality may find it necessary to call upon volunteer fire companies to respond to a particular fire-related event that threatens to overwhelm the localities' resources. In such an instance, the agent and volunteers, as well as the locality that has called upon them, should be accorded the liability protections of the act. Perhaps more importantly, it is preferred by the region's localities that a list of agents and volunteers not be brought within the scope of the act prospectively and on a continuous basis, but only as the need arises on a case-by-case basis.

The legislation I am introducing today simply strikes ''agents and volunteers'' from the definition of ''employee'' and expressly extends the liability protections of the act to agents. This term, consistent with common dictionary usage, would encompass authorized volunteers. The proposed language was drafted and approved by members of the Council of Governments' Attorneys Committee, consisting of the lead counsel of all 21 COG jurisdictions, with participation by the two State's Attorneys General offices.

In short, this legislation will give local jurisdictions the ability to respond fully and appropriately to the full range of emergencies that they may face. I urge the Senate to pass this bill as expeditiously as possible so that we can give these local and State governments the tools they need to meet the challenges that the future may present.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD following my remarks.

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

S. 1245

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

**SECTION 1. REFORM OF MUTUAL AID AGREEMENTS FOR THE NATIONAL CAPITAL REGION.**

Section 7302 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 5196 note) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking '', including its agents or authorized volunteers,''; and

(B) in paragraph (5), by striking ''or town'' and all that follows and inserting ''town, or other governmental agency, governmental

authority, or governmental institution with the power to sue or be sued in its own name, within the National Capital Region.'';

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by striking '', the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Airports Authority, and any other governmental agency or authority''; and

(3) in subsection (d), by striking ''or employees'' each place that term appears and inserting '', employees, or agents''.

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By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, and Mr. AKAKA):

S. 1246. A bill to establish and maintain a wildlife global animal information network for surveillance internationally to combat the growing threat of emerging diseases that involve wild animals, such as bird flu, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, today, Senator BROWNBACK, Senator AKAKA, and I are introducing legislation that establishes a wildlife global animal information network for surveillance to enhance preparedness and awareness of emerging infectious diseases.

More than 60 percent of the approximately 1,400 currently known infectious diseases are shared between wildlife and humans. Over the past 30 years we have had many emerging infectious disease outbreaks, including hantavirus, plague, ebola, HIV/AIDS, SARS, and H5N1 influenza. In fact, more than 35 new infectious diseases have emerged in humans since 1980, which means that approximately one new infectious disease in humans has appeared every 8 months. These diseases have resulted in many deaths and billions of dollars in costs.

Millions of wild animals are traded globally and come into contact with humans and dozens of other species, contributing to the introduction of new diseases in humans. There are numerous examples of these spreading viruses that pose significant threats across the globe. For instance, the spreading H5N1 virus, a highly pathogenic avian influenza (HPAI) strain, is a significant threat to global human health, the global poultry industry, and the global economy more generally. The emerging infectious disease HIV/AIDS, whose origin has been traced back to the human consumption of African nonhuman primates, has had a devastating impact in the developing world, with over 40 million people worldwide living with HIV/AIDS and 3 million AIDS deaths globally in 2006. Despite the threats that these and future diseases pose, we lack a comprehensive and coordinated approach to monitoring these emerging infectious diseases and the nexus between wildlife, people, and domestic animals.

Our legislation would establish a Wildlife Global Animal Information Network for Surveillance (GAINS). This Wildlife GAINS system would include Federal and State agency partners, multilateral agency partners, conservation organizations with expertise in wildlife monitoring and surveillance, veterinary and medical schools, and other national and international partners. The legislation encourages the establishment of critical public-private partnerships because of the unique strengths and capabilities that NGOs have in developing countries. They will play a key role in assisting developing countries develop much needed surveillance mechanisms and in facilitating the dissemination of critical data to all partners.

USAID has taken a leadership role and already committed $192 million for avian influenza preparedness and response activities in developing countries affected by the H5N1 virus. Congress must support these efforts establishing a comprehensive worldwide wildlife health surveillance system to detect and track emerging infectious diseases.

Wildlife GAINS would be a comprehensive tool to prevent the outbreak and spread of new diseases that have no treatments or cures. We must prevent and detect the next generation of infectious diseases to prevent the pain and suffering that diseases such as HIV/AIDS and H5N1 have caused millions all over the world.

Mr. AKAKA. President, I rise to join my colleagues, Senators LIEBERMAN and BROWNBACK in introducing legislation establishing a wildlife global animal information network for detection of emerging, highly contagious diseases in non-agricultural animals. This bill is an important part of efforts to prevent and respond to natural or intentional pandemic disease outbreaks in the U.S.

Our legislation focuses on the source of nearly all pandemic disease outbreaks over the last 30 years—zoonotic diseases, or diseases that originate in animals, either agricultural or non-agricultural, and, through mutation, are passed to humans. Avian influenza, West Nile Virus and severe acute respiratory syndrome (SARS) are all zoonotic diseases originating in animals and subsequently transmitted to humans. The prevalence of such diseases underscores the need to link veterinary health and public health arenas. America's infrastructure for pandemic flu preparedness and response should therefore include the ability to monitor zoonotic diseases, creating an early warning and response system which will alert public health officials and animal health experts at the emergence of highly contagious diseases before they are passed to humans.

The global animal information network for surveillance proposed in this bill has its roots in the activities of the U.S. Agency for International Development (USAID) to assist countries dealing with the most recent outbreak of the H5N1 strain of avian influenza. In close cooperation with the Centers for Disease Control and Prevention (CDC), the Departments of State, Defense, Agriculture, Homeland Security and the Wildlife Conservation Society, USAID is providing assistance to those countries most hard hit by avian influenza. To date, animal outbreaks have been reported in 55 countries, and 12 countries have had confirmed human cases. A total of 291 humans have been infected, resulting in 172 deaths. This translates into a case fatality rate of roughly 60 percent.

To date, USAID has committed a total of $192 million for avian influenza assistance activities in these countries for preparedness and response. The goal of its activities is to lower the amount of circulating virus and limiting the opportunity for people to become infected with avian flu.

Despite these efforts, many of which have demonstrated the effectiveness of interventions being used to control the spread of avian flu, this zoonotic disease continues to mutate and as such, persist as a threat, both to animals and to people. The animal surveillance network being proposed in this bill is one critical tool to detect other wildlife-based emergent contagious diseases before they impact humans and agricultural animals.

While detecting and preventing these highly contagious diseases is critical for human health and economic stability, I would like to emphasize that, as the Government Accountability Office (GAO) observed in a 2000 report entitled ''West Nile Virus Outbreak: Lessons for Public Health Preparedness'', on the West Nile Virus outbreak in New York City, ''Because a bioterrorist event could look like a natural outbreak, bioterrorism preparedness rests in large part on public health preparedness.'' Creating early warning tools such as this one can aid efforts to protect the U.S. from natural outbreaks and deliberate bioterrorist attacks. While the network alone does not protect us, it does contribute to the mosaic of homeland security activities designed to protect Americans, and those in other countries most vulnerable to bioterrorist attacks.

It is for this reason that I am pleased to join Senators LIEBERMAN and BROWNBACK in introducing this bill and urge its support.

## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 173—DESIGNATING AUGUST 11, 2007, AS ''NATIONAL MARINA DAY''

Ms. STABENOW submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 173

Whereas the citizens of the United States highly value recreation time and their ability to access 1 of the greatest natural resources of the United States, its waterways;

Whereas, in 1928, the word ''marina'' was used for the first time by the National Association of Engine and Boat Manufacturers to define a recreational boating facility;