

HAGEL, Mr. COVERDELL, Mr. GORTON, Mr. VOINOVICH, Mr. MACK, and Mr. SESSIONS):

S. 1479. A bill to amend the Elementary and Secondary Education Act of 1965 to empower teachers, improve student achievement through high-quality professional development for teachers, reauthorize the Reading Excellence Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself, Mr. DODD, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. INOUE, and Mrs. MURRAY):

S. 1475. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care; to the Committee on Health, Education, Labor, and Pensions.

CHILD CARE QUALITY INCENTIVE ACT OF 1999

Mr. REED. Mr. President, I rise to talk about a crisis that is affecting the families of this country. That crisis is the child care system, the ability to obtain safe, affordable, high-quality child care.

Today there are an estimated 13 million children, 6 million of them infants and toddlers, who require some form of day care. For working families, the price of this day care is exceedingly difficult to meet each and every day.

Full-day child care ranges from \$4,000 to \$10,000 a year. For some low-income families, that represents 25 percent of their income.

This is a huge obligation. We have, I fear and believe, the responsibility to ensure that we can help these families meet this obligation to protect their children. Not only is this necessary simply for the custodial protection and care of children, it is necessary for their enhancement, their advancement, for their intellectual development.

We have discovered over the last several years, because of all the research that is being done at the National Institutes of Health, and other places, the crucial role of the early development of children in their ultimate intellectual and social development as adults.

We know if we have good, nurturing care in the early days of life, this care will lead to better cognitive performance later on. It will increase classroom success. It will lead to more fully developed individuals who can cope with the challenges of this next century that is just upon us.

So our investment in child care is not simply something that is altruistic—something we want to do because it is for the kids and for working families—it is in the best interests of this country in order to provide for the citizens of this country of the next century.

We know also, as we look around, that one of the problems in child care,

is that because of the low reimbursement rates that the child care centers receive from the States, that they are not able to retain good employees and that they are not able to train the employees they can retain—particularly in this booming economy we see today.

So what you have in so many child care centers is a situation where they cannot retain their employees, they cannot attract the very best employees, they do not have the resources to fully develop the potential for these employees, and as a result, ultimately, children suffer.

In fact, there have been numerous studies. The one that I found most disturbing is one where four States were studied in the United States, and it was found that in those States only one out of seven child care centers provided care that promoted the healthy development of the child. Even more shocking, one in eight of these child care centers actually provided care that threatened the health of the child. We have to do something about it.

Prior to welfare reform, there was a law on the books that said the State, when they were subsidizing day care for low-income parents, had to at least try to achieve the 75th percentile in terms of their reimbursement rate. What that means is that they had to have a reimbursement rate that could at least meet the cost of 75 out of 100 of the centers in their particular State. That has gone by the wayside. But in order to keep quality in our child care system, we have to get to reimbursement rates that will, in fact, provide the resources for child care centers to have quality, enhancing care to benefit the children of this country.

What has also been abandoned in the last several years is even the attempt by the States to go ahead and do surveys of the market so they know what it costs different child care centers to provide care and know what it costs for the parents to send their children to day-care centers. Having abandoned these market surveys, essentially there is no connection between their subsidy rate and, in fact, the cost of day care. So working families who receive these subsidies—and there are more and more families who are receiving subsidies as we move welfare recipients to work—have no correlation between what they are getting and essentially what the cost of child care is in the real world.

What I have done, along with some of my colleagues, is introduce legislation that would, in fact, give the States an incentive, first to do their market surveys, to find out the cost of day care in their communities, and then to strive to meet those market rates.

I have been very pleased to be joined by Senators CHRIS DODD and TED KENNEDY, who are leaders in the field of improving child care in this country,

together with Senators FEINSTEIN, INOUE, and MURRAY in introducing the Child Care Quality Incentive Act. Essentially, this legislation would establish a new mandatory pool of funding, \$300 million each year over the next 5 years, as part of the Child Care Development Block Grant Program. This funding would be an incentive for States to first conduct a market survey and then to make significant movement towards raising their subsidy rates to that market rate. In so doing, we can directly contribute to the bottom line of these child care centers. They, in turn, can retain personnel, train their personnel, and create a more enhancing environment for the development of children. This, I think, is a goal we should have.

Increased reimbursement rates also expand the number of choices parents have in finding quality child care.

We will also, I hope, at the same time try to increase the overall scope of the child development block grants. One of the consequences of simply increasing funding for the child care development block grant, is many States will not increase the subsidy they pay for children; they will simply try to enroll more children. This puts centers in a very cruel dilemma because the more children they have at that far-below-market rate the greater the economic pressure on the centers.

The program I am presenting today with my colleagues would do what child care providers have argued must be done, and that is to give them additional resources so they can, in fact, improve the quality of day care—not simply the number of children in day care but the quality of day care. If we do these things we are going to be in a strong position to face the challenges ahead.

One of the greatest challenges for working families is the cost of day care for their children. I have been very pleased to note that this legislation has been endorsed by the USA Child Care, the Children's Defense Fund, Catholic Charities of the United States, the Child Welfare League of America, the YMCA of the United States, the National Association of Child Care Resource and Referral Agencies, the National Head Start Association, the National Child Care Association and a host of other agencies and organizations throughout the country. They recognize, as I do, and as my colleagues who are introducing this legislation do, that we can talk a lot about child care, we can emphasize how important it is to families, we can stress the importance to our economy and to our long-run future in this country, but until we put real resources to work, we will not be able to meet the real needs of families. These needs grow each day.

I urge strong support for this legislation. Again, I thank and commend my colleagues who have joined me in this

effort: Senators DODD, KENNEDY, FEINSTEIN, INOUE, and MURRAY, and encourage others to join us. I believe if we make this investment in quality child care, we will be making one of the most important investments we can make in the future of this country and in the individual future of families throughout the United States.

I thank my colleagues for joining me, and I ask unanimous consent to have printed in the RECORD a copy of the legislation.

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

S. 1475

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 "Child Care Quality Incentive Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Recent research on early brain development reveals that much of a child's growth is determined by early learning and nurturing care. Research also shows that quality early care and education leads to increased cognitive abilities, positive classroom learning behavior, increased likelihood of long-term school success, and greater likelihood of long-term economic and social self-sufficiency.

(2) Each day an estimated 13,000,000 children, including 6,000,000 infants and toddlers, spend some part of their day in child care. However, a study in 4 States found that only 1 in 7 child care centers provide care that promotes healthy development, while 1 in 8 child care centers provide care that threatens the safety and health of children.

(3) Full-day child care can cost \$4,000 to \$10,000 per year.

(4) Although Federal assistance is available for child care, funding is severely limited. Even with Federal subsidies, many families cannot afford child care. For families with young children and a monthly income under \$1,200, the cost of child care typically consumes 25 percent of their income.

(5) Payment (or reimbursement) rates, the maximum the State will reimburse a child care provider for the care of a child who receives a subsidy, are too low to ensure that quality care is accessible to all families.

(6) Low payment rates directly affect the kind of care children get and whether families can find quality child care in their communities. In many instances, low payment rates force child care providers to cut corners in ways that lower the quality of care for children, including reducing number of staff, eliminating staff training opportunities, and cutting enriching educational activities and services.

(7) Children in low quality child care are more likely to have delayed reading and language skills, and display more aggression toward other children and adults.

(8) Increased payment rates lead to higher quality child care as child care providers are able to attract and retain qualified staff, provide salary increases and professional training, maintain a safe and healthy environment, and purchase basic supplies and developmentally appropriate educational materials.

(b) PURPOSE.—The purpose of this Act is to improve the quality of, and access to, child care by increasing child care payment rates.

SEC. 3. INCENTIVE GRANTS TO IMPROVE THE QUALITY OF CHILD CARE.

(a) FUNDING.—Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

(1) by striking "There" and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—There"; and

(2) by adding at the end the following:

"(b) APPROPRIATION OF FUNDS FOR GRANTS TO IMPROVE THE QUALITY OF CHILD CARE.—Out of any funds in the Treasury that are not otherwise appropriated, there are authorized to be appropriated and there are appropriated, for each of fiscal years 2000 through 2004, \$300,000,000 for the purpose of making grants under section 658H."

(b) GRANTS TO IMPROVE THE QUALITY OF CHILD CARE.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by inserting after section 658G the following:

"SEC. 658H. GRANTS TO IMPROVE THE QUALITY OF CHILD CARE.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall use the amount appropriated under section 658B(b) for a fiscal year to make grants to eligible States in accordance with this section.

"(2) ANNUAL PAYMENTS.—The Secretary shall make annual payments to each eligible State out of the allotment for that State determined under subsection (c).

"(b) ELIGIBLE STATES.—

"(1) IN GENERAL.—In this section, the term 'eligible States' means a State that—

"(A) has conducted a survey of the market rates for child care services in the State within the 2 years preceding the date of the submission of an application under paragraph (2); and

"(B) submits an application in accordance with paragraph (2).

"(2) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, in addition to the information required under subparagraph (B), as the Secretary may require.

"(B) INFORMATION REQUIRED.—Each application submitted for a grant under this section shall—

"(i) detail the methodology and results of the State market rates survey conducted pursuant to paragraph (1)(A);

"(ii) describe the State's plan to increase payment rates from the initial baseline determined under clause (i); and

"(iii) describe how the State will increase payment rates in accordance with the market survey findings.

"(3) CONTINUING ELIGIBILITY REQUIREMENT.—The Secretary may make an annual payment under this section to an eligible State only if—

"(A) the Secretary determines that the State has made progress, through the activities assisted under this subchapter, in maintaining increased payment rates; and

"(B) at least once every 2 years, the State conducts an update of the survey described in paragraph (1)(A).

"(4) REQUIREMENT OF MATCHING FUNDS.—

"(A) IN GENERAL.—To be eligible to receive a grant under this section, the State shall agree to make available State contributions from State sources toward the costs of the activities to be carried out by a State pursuant to subsection (d) in an amount that is not less than 25 percent of such costs.

"(B) DETERMINATION OF STATE CONTRIBUTIONS.—State contributions shall be in cash.

Amounts provided by the Federal Government may not be included in determining the amount of such State contributions.

"(c) ALLOTMENTS TO ELIGIBLE STATES.—The amount appropriated under section 658B(b) for a fiscal year shall be allotted among the eligible States in the same manner as amounts are allotted under section 658O(b).

"(d) USE OF FUNDS.—

"(1) PRIORITY USE.—An eligible State that receives a grant under this section shall use the funds received to significantly increase the payment rate for the provision of child care assistance in accordance with this subchapter up to the 100th percentile of the market rate survey described in subsection (b)(1)(A).

"(2) ADDITIONAL USES.—An eligible State that demonstrates to the Secretary that the State has achieved a payment rate of the 100th percentile of the market rate survey described in subsection (b)(1)(A) may use funds received under a grant made under this section for any other activity that the State demonstrates to the Secretary will enhance the quality of child care services provided in the State.

"(3) PAYMENT RATE.—In this section, the term 'payment rate' means the rate of reimbursement to providers for subsidized child care.

"(4) SUPPLEMENT NOT SUPPLANT.—Amounts paid to a State under this section shall be used to supplement and not supplant other Federal, State, or local funds provided to the State under this subchapter or any other provision of law.

"(e) EVALUATIONS AND REPORTS.—

"(1) STATE EVALUATIONS.—Each eligible State shall submit to the Secretary, at such time and in such form and manner as the Secretary may require, information regarding the State's efforts to increase payment rates and the impact increased rates are having on the quality of, and accessibility to, child care in the State.

"(2) REPORTS TO CONGRESS.—The Secretary shall submit biennial reports to Congress on the information described in paragraph (1). Such reports shall include data from the applications submitted under subsection (b)(2) as a baseline for determining the progress of each eligible State in maintaining increased payment rates."

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. INOUE, and Mr. AKAKA):

S. 1476. A bill to amend title XVIII of the Social Security Act to provide an increase in payments for physician services provided in health professional shortage areas in Alaska and Hawaii; to the Committee on Finance.

HEALTH PROFESSIONAL SHORTAGE IN ALASKA AND HAWAII

Mr. MURKOWSKI: Mr. President, I rise today to introduce legislation co-sponsored by my colleagues Senator STEVENS, Senator AKAKA, and Senator INOUE which will help to alleviate some of the financial hardships that currently face physicians who practice in remote areas of Alaska and Hawaii.

Access to health care is the overriding problem for Alaska's elderly. Almost weekly, I receive letters from seniors in Alaska who tell me that their doctor is no longer willing to accept Medicare patients. Why? Because

doctors in rural areas lose money on Medicare patients.

In a 1987 report to Congress, the Physician Payment Review Commission recognized that low Medicare payments in rural areas affect physicians' willingness to see Medicare beneficiaries. In response, Congress provided a 10 percent bonus payment for all physician services provided in rural areas with the greatest degree of physician shortages. Unfortunately, reimbursement rates continue to be inadequate in Alaska and Hawaii where physicians must contend with extreme remoteness and high transportation costs. Alaska is currently 70 percent medically underserved.

The legislation which I am introducing today will increase the bonus payment for rural physicians in Alaska and Hawaii to 20 percent. By increasing these payments, physicians in Alaska and Hawaii will be better able to cover the additional costs which accompany the delivery of health care in remote areas. Furthermore, this legislation will go far in helping Alaska and Hawaii retain current physician staffs and better meet the needs of Alaskan Native and Hawaiian Native communities.

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

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

S. 1476

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

SECTION 1. INCREASE IN PAYMENTS FOR PHYSICIAN SERVICES PROVIDED IN HEALTH PROFESSIONAL SHORTAGE AREAS IN ALASKA AND HAWAII.

(a) IN GENERAL.—Section 1833(m) of the Social Security Act (42 U.S.C. 13951(m)) is amended by inserting “(20 percent in such an area in Alaska or Hawaii) after “10 percent”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to physician services furnished on or after the date of enactment of this Act.

By Mr. DASCHLE (for himself, Mr. McCAIN and Mr. INOUE):

S. 1478. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas; to the Committee on Finance.

IMPROVING FOSTER CARE AND ADOPTION SERVICES FOR NATIVE AMERICAN CHILDREN

Mr. DASCHLE. Mr. President, today I am introducing, along with Senator McCAIN and Senator INOUE, an important bill to correct an inequity in the law affecting many Native American children. Every year, for a variety of often tragic reasons, thousands of children across the country are placed in foster care. To assist with the cost of food, shelter, clothing, daily supervision and school supplies, foster parents of children who have come to

them through state agency placements receive money through Title IV-E of the Social Security Act. Additionally, States receive funds for administrative training and data collection to support this program. Unfortunately, because of a legislative oversight, many income-eligible Native American children placed in foster care by tribal agencies do not receive foster care and adoptive services to which all other income-eligible children are entitled.

Not only are otherwise eligible Native children denied foster care maintenance payments, but this inequity also extends to children adopted through tribal placements. Currently, the IV-E program offers sporadic assistance for expenses associated with adoption and no assistance for training professional staff or parents involved in the adoption absent a tribal-state agreement.

In many instances, these children face insurmountable odds. Many come from abusive homes. Foster parents who open their doors to care for these special children deserve our help. These generous people who are willing to take these children into their homes shouldn't have sleepless nights worrying about whether they have the resources to provide nourishing food or a warm coat, or even adequate shelter for these children. This legislation will go a long way to ease their concerns.

Currently, some tribes and states have entered into IV-E agreements, but these arrangements are the exception. They also, by and large, do not include funds to train tribal social workers and other program administrators. This bill would authorize tribes to operate IV-E programs in the same manner as states. Upon approval of a tribal plan by HHS, the tribe would be able to provide services to income-eligible children under its custody. The bill would also allow children in tribal custody to receive foster care payments where a tribe chooses not to operate the entire program if adequate arrangements are made between the tribe and the state for provision of child welfare services and protections required by Title IV-E.

The bill we are introducing today would:

Authorize reimbursement of Title IV-E entitlement programs for tribal placements in foster and adoptive homes;

Authorize tribal governments to receive direct funding from the Department of Health and Human Services for training and administration of IV-E programs (tribes must have HHS-approved programs);

Allow the Secretary flexibility to modify the requirements of the IV-E law for tribes if those requirements are not in the best interest of Native children and if the tribal plans include alternative provisions that would achieve the purpose of the requirement that is altered or waived; and

Allow continuation of tribal-state IV-E agreements.

In a 1994 report, HHS found that the best way to serve this underfunded group is to provide direct assistance to tribal governments and qualified tribal families. This bill would not reduce the entitlement funding for states, as they would continue to be reimbursed for their expenses under the law. I strongly believe Congress should address this oversight and provide equitable benefits to Native American children under the jurisdiction of their tribal governments, and I hope my colleagues will join me in supporting this bill.

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

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

S. 1478

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

SECTION 1. AUTHORITY OF INDIAN TRIBES TO RECEIVE FEDERAL FUNDS FOR FOSTER CARE AND ADOPTION ASSISTANCE.

(a) CHILDREN PLACED IN TRIBAL CUSTODY ELIGIBLE FOR FOSTER CARE FUNDING.—Section 472(a)(2) of the Social Security Act (42 U.S.C. 672(a)(2)) is amended—

(1) by striking “or (B)” and inserting “(B)”; and

(2) by inserting before the semicolon the following: “, or (C) an Indian tribe as defined in section 479B(b)(5), in the case of an Indian child (as defined in section 4(4) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(4))) if the tribe is not operating a program pursuant to section 479B and (i) has an agreement with a State pursuant to section 479B(b)(3) or (ii) submits to the Secretary a description of the arrangements, jointly developed or in consultation with the State, made for the payment of funds and the provision of the child welfare services and protections required by this title”.

(b) PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

“PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS

“SEC. 479B. (a) Except as provided in subsection (b), this part shall apply to an Indian Tribe that chooses to operate a program under this part in the same manner as this part applies to a State.

“(b)(1) In the case of an Indian tribe submitting a plan for approval under section 471, the plan shall—

“(A) in lieu of the requirement of section 471(a)(3), identify the service area or areas and population to be served by the Indian tribe; and

“(B) in lieu of the requirement of section 471(a)(10), provide for the approval of foster homes pursuant to tribal standards and in a manner that ensures the safety of, and accountability for, children placed in foster care.

“(2)(A)(i) For purposes of determining the Federal medical assistance percentage applicable to an Indian tribe under paragraphs (1) and (2) of section 474(a), the calculation of an Indian tribe's per capita income shall be based upon the service population of the Indian tribe as defined in its plan.

“(ii) An Indian tribe may submit to the Secretary such information as the tribe considers may be relevant to making the calculation of the per capita income of the tribe, and the Secretary shall consider such information before making the calculation.

“(B) The Secretary shall, by regulation, determine the proportions to be paid to Indian tribes pursuant to section 474(a)(3), except that in no case shall an Indian tribe receive a lesser proportion than specified for States in that section.

“(C) An Indian tribe may use Federal or State funds to match payments for which the Indian tribe is eligible under section 474.

“(3) An Indian tribe and a State may enter into a cooperative agreement for the administration or payment of funds pursuant to this part. Any such agreement that is in effect as of the date of the enactment of this section shall remain in full force and effect subject to the right of either party to revoke or modify the agreement pursuant to its terms.

“(4) The Secretary may prescribe regulations that alter or waive any requirement under this part with respect to an Indian tribe or tribes if the Secretary, after consulting with the tribe or tribes—

“(A) determines that the strict enforcement of the requirement would not advance the best interests and the safety of children served by the Indian tribe or tribes; and

“(B) provides in the regulations that tribal plans include alternative provisions that would achieve the purposes of the requirement that is to be altered or waived.

“(5) For purposes of this section, the term ‘Indian tribe’ means any Indian tribe, band, nation, or organized group or community of Indians, including any Alaska Native village, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(6) Nothing in this section shall preclude the development and submission of a single plan under section 471 that meets the requirements of this section by the participating Indian tribes of an intertribal consortium.”

(c) EFFECTIVE DATE.—The amendments made by this Act take effect on the date of enactment of this Act.

Mr. McCAIN. Mr. President, I am pleased to co-sponsor legislation with my colleagues, Senators DASCHLE and INOUE, to amend the Social Security Act and extend eligibility for Indian tribes to fully implement, like states, the Title IV-E Foster Care and Adoption Assistance Act. This important legislation will finally allow Indian children living in tribal areas to have the same access to services of the Title IV-E Foster Care and Adoption Assistance Program enjoyed by other children nationwide.

The purpose of the Title IV-E program is to ensure that children receive adequate care when placed in foster care and adoption programs. The Title IV-E program operates as an open-ended entitlement program for eligible state governments with approved plans. State governments receive funding for foster care maintenance payments to cover food, shelter, clothing, school supplies, and liability insurance for income-eligible children placed in foster homes by state courts, and for

related administrative and training costs.

While Congress intended that the Title IV-E program should benefit all eligible children, Indian children who are under the jurisdiction of their tribal court are not eligible. When enacted, the Title IV-E law did not properly consider that Indian tribal governments retain sole jurisdiction over the domestic affairs of their own tribal members, particularly Indian children.

State administrators have attempted to meet the intended goals of these programs by extending their efforts to Indian country. However, administrative and jurisdictional hurdles make it nearly impossible to provide these services. As a result, Indian children in need of foster care and child support are not accorded the same level of service as other children nationwide. Tribal governments, who are legally responsible for Indian children in foster care, are not entitled to federal reimbursement for children placed in foster care by a tribal court, unless the tribe, as a public agency, enters into a cooperative agreement with the state.

A cooperative agreement may not sound all that difficult, but in reality, such an agreement can prove impossible. Rather than providing incentives, current law more often discourages states from entering into agreements with tribes. For example, a state is accountable for tribal compliance with Title IV-E requirements. If a tribe cannot fulfill a matching requirement, the state must assume the costs on behalf of the tribe in order to retain federal funds. It is entirely possible that states could lose their Title IV-E funds if tribal records were out of compliance.

State-tribal relations are not always productive, particularly when disputes arise over issues unrelated to child welfare. Providing this direct eligibility for tribal governments, with the same accountability and enforcement requirements, will resolve such problems. State agencies have indicated that direct participation by the tribes would help address an overburden of casework and preclude tension over jurisdictional issues.

I want to make clear that enactment of this legislation will in no way supplant or discourage State-tribal agreements. Existing agreements will be honored, while allowing Indian tribes to directly access needed resources for further protection for income-eligible Indian children.

I also want to comment briefly on efforts made by the Administration to implement a limited pilot program to provide direct authority to tribes to administer the Title IV-E and Title IV-B programs. The 1997 Adoption and Safe Families Act authorized up to ten demonstration programs. Five demonstration programs have been approved by the Administration to meet

the needs of Indian children. I applaud the initiative, but this limited approval will not extend to any other tribe who may choose to administer their own programs and the needs of many Indian children will still be unmet. I sincerely hope the Administration would seek to include five more tribes as participants in the demonstration program.

We sought to include similar eligibility provisions in the 1996 Personal Responsibility and Work Opportunity Act, but were unsuccessful in finding the necessary off-sets to pay for this program.

The Congressional Budget Office (CBO) estimates that this legislation would cost \$236 million over a five-year period, which generally amounts to less than one percent of total Federal Title IV-E expenditures. While this legislation does not currently include any identified off-sets to pay for adding tribal eligibility for this entitlement program, I have assurances from Senators DASCHLE and INOUE that the inclusion of off-sets, prior to final passage, will in no way affect the Social Security Trust Fund or increase the federal debt. We have pledged to work together to find necessary and agreeable off-sets for this program.

Mr. President, enactment of this legislation will bring an end to the disparate treatment of eligible Indian children under Title IV-E programs. I urge my colleagues to correct this unfair oversight and make the benefits of the Title IV-E entitlement program available for all children as intended.

By Mr. GREGG (for himself, Mr. LOTT, Ms. COLLINS, Mr. BROWNBACK, Mr. HAGEL, Mr. COVERDELL, Mr. GORTON, Mr. VOINOVICH, Mr. MACK, and Mr. SESSIONS):

S. 1479. A bill to amend the Elementary and Secondary Education Act of 1965 to empower teachers, improve student achievement through high-quality professional development for teachers, reauthorize the Reading Excellence Act, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

TEACHER EMPOWERMENT ACT

● Mr. GREGG. Mr. President, today I am joined with my colleagues, Senators LOTT, COLLINS, BROWNBACK, HAGEL, COVERDELL, GORTON, MACK, VOINOVICH and SESSIONS in introducing the Teacher Empowerment Act (TEA). This Act is similar to H.R. 1995 which recently passed the House.

The bill provides a little over \$2 billion annually over 5 years by consolidating funds for Title II of ESEA, GOALS 2000 and Classroom Size into one flexible funding stream for the purposes of increasing teacher quality and the number of high quality teachers in our schools.

Over 300 studies have found that the number one contributor to student

achievement is a highly qualified teacher. Outside of parental involvement, no other factor has as much impact on determining whether a student will succeed or fail in school. Unfortunately, we know that over 25% of those who enter the teacher workforce are poorly qualified to teach. Furthermore, we know that many teachers who are already in the classroom lack necessary skills or do not possess adequate knowledge of the subject area in which they teach.

Since teacher quality is the most significant determinant to student success and there is a shortage of high quality teachers in our schools, it is readily apparent that we need to focus our efforts on increasing teacher quality. Nothing else will improve our public schools or lead to increased student achievement as much as increasing the number of high quality teachers in our schools.

TEA improves teacher quality by requiring that professional development activities increase teacher knowledge and skills as well as student achievement. TEA builds upon extensive research on what type of professional development activities improve teacher knowledge and skills. First and foremost high quality professional development activities must be directly related to the curriculum and subject area in which the teacher provides instruction. Second, they must be of sufficient intensity and duration to have a positive and lasting impact. TEA only funds those professional activities that meet these requirements and only if the activities are tied to challenging State content and student performance standards.

Not only does TEA improve teacher quality, but it gives school districts the ability to recruit and retain high quality teachers. Many school districts, especially inner city and rural school districts, are unable to either attract or retain high quality teachers. Blanket classroom size reduction proposals, which call for reduced class size at all costs, only exacerbate the situation.

A recent Rand study found that California's classroom size initiative led to more uncredentialed, underqualified teachers and an increase in teacher aides (rather than teachers) providing direct instruction to students. Inner city schools in Los Angeles actually witnessed a decrease in the number of qualified teachers, as many of those that were qualified left the inner city schools when jobs opened up in more affluent schools.

Clearly, school districts must be given the resources to not only recruit, but also to retain, high quality teachers. TEA does this through a variety of measures. It permits school districts to award differential pay to retain and recruit teachers in high need subject areas, such as math and science. It per-

mits schools to provide signing bonuses to retain their best teachers and reduce the rate of attrition.

It permits school districts to establish incentive programs to attract and hire highly skilled and knowledgeable teachers. It permits schools to recruit individuals who have had careers outside of teaching but whose life experience provides a solid foundation for teaching. And, it permits schools to invest in teacher mentors and master teachers; studies and teacher polls have found that hiring master teachers who mentor new teachers improves both teacher quality and the likelihood that new teachers will stay and thrive at the school.

In addition to promoting high quality professional development programs and to giving school districts the ability to retain, recruit and train high quality teachers, TEA also promotes a number of innovative common sense reforms, such as tenure reform, teacher testing, merit-based performance systems, teacher academies, and alternative certification programs.

TEA also creates Teacher Opportunity Payments (TOPS), payments that would be provided directly to teachers so they can choose their own professional development. Teachers have reported that professional activities selected by the school districts are often not as helpful as those activities they might have selected themselves. Under TOPS, if a group of teachers is not satisfied with the professional opportunities offered by the school district, they could request that the LEA pay for them to attend a professional development program of their choice, provided the program met the professional activity requirements under the Act. This means that science teachers could attend a local university that has a reputation for intensive professional development programs in math and science; programs that they otherwise might not have had the opportunity to attend.

I urge my colleagues to cosponsor TEA. TEA gives States and schools the resources and the flexibility to use those resources to retain, recruit, train and hire highly qualified teachers.

I ask that the bill be printed in the RECORD.

The bill follows:

S. 1479

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 "Teacher Empowerment Act".

SEC. 2. TEACHER EMPOWERMENT.

(a) IN GENERAL.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by striking the heading for title II and inserting the following:

"TITLE II—TEACHER QUALITY";

(2) by repealing sections 2001 through 2003; and

(3) by amending part A to read as follows:

"PART A—TEACHER EMPOWERMENT

"SEC. 2001. PURPOSE.

"The purpose of this part is to provide grants to States and local educational agencies, in order to assist their efforts to increase student academic achievement through such strategies as improving teacher quality.

"Subpart 1—Grants to States

"SEC. 2011. FORMULA GRANTS TO STATES.

"(a) IN GENERAL.—In the case of each State that, in accordance with section 2014, submits to the Secretary and obtains approval of an application for a fiscal year, the Secretary shall make a grant for the year to the State for the uses specified in section 2012. The grant shall consist of the allotment determined for the State under subsection (b).

"(b) DETERMINATION OF AMOUNT OF ALLOTMENT.—

"(1) RESERVATION OF FUNDS.—

"(A) IN GENERAL.—From the total amount made available to carry out this subpart for any fiscal year, the Secretary shall reserve—

"(i) ½ of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purpose of this part; and

"(ii) ½ of 1 percent for the Secretary of the Interior for programs under this part for professional development activities for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

"(B) LIMITATION.—In reserving an amount for the purposes described in clauses (i) and (ii) of subparagraph (A) for a fiscal year, the Secretary shall not reserve more than the total amount the outlying areas and the schools operated or funded by the Bureau of Indian Affairs received under the authorities described in paragraph (2)(A)(i) for fiscal year 1999.

"(2) STATE ALLOTMENTS.—

"(A) HOLD HARMLESS.—

"(i) IN GENERAL.—Subject to subparagraph (B), from the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the total amount that such State received for fiscal year 1999 under—

"(I) section 2202(b) of this Act (as in effect on the day before the date of enactment of the Teacher Empowerment Act);

"(II) section 307 of the Department of Education Appropriations Act, 1999; and

"(III) section 304(b) of the Goals 2000: Educate America Act (20 U.S.C. 5884(b)).

"(ii) RATABLE REDUCTION.—If the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

"(B) ALLOTMENT OF ADDITIONAL FUNDS.—

"(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the total amount made available to carry out this subpart and not reserved under paragraph (1) exceeds the total amount made available to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico for fiscal year

1999 under the authorities described in subparagraph (A)(i), the Secretary shall allot to each of those States the sum of—

“(I) an amount that bears the same relationship to 50 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

“(II) an amount that bears the same relationship to 50 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

“(ii) EXCEPTION.—No State receiving an allotment under clause (i) may receive less than ½ of 1 percent of the total excess amount allotted under clause (i) for a fiscal year.

“(3) REALLOTMENT.—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallocate such amount to the remaining States in accordance with this subsection.

“SEC. 2012. ALLOCATIONS WITHIN STATES.

“(a) USE OF FUNDS.—Each State receiving a grant under this subpart shall use the funds provided under the grant in accordance with this section to carry out activities for the improvement of teaching and learning.

“(b) REQUIRED AND AUTHORIZED EXPENDITURES.—

“(1) REQUIRED EXPENDITURES.—The Secretary may make a grant to a State under this subpart only if the State agrees to expend not less than 90 percent of the amount of the funds provided under the grant for the purpose of making subgrants to local educational agencies and eligible partnerships (as defined in section 2021(d)), in accordance with subsection (c).

“(2) AUTHORIZED EXPENDITURES.—A State that receives a grant under this subpart may expend a portion equal to not more than 10 percent of the amount of the funds provided under the grant for 1 or more of the authorized State activities described in section 2013 or to make grants to eligible partnerships to enable the partnerships to carry out subpart 2 (but not more than 5 percent of such portion may be used for planning and administration related to carrying out such purpose).

“(c) DISTRIBUTION OF SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES AND ELIGIBLE PARTNERSHIPS.—

“(1) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

“(A) IN GENERAL.—Subject to subparagraph (B), a State receiving a grant under this subpart shall distribute a portion equal to 80 percent of the amount described in subsection (b)(1) by allocating to each eligible local educational agency the sum of—

“(i) an amount that bears the same relationship to 50 percent of the portion as the number of individuals enrolled in public and private nonprofit elementary schools and secondary schools in the geographic area served by the agency bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State; and

“(ii) an amount that bears the same relationship to 50 percent of the portion as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the geographic area served by the agency, as determined by the Secretary on

the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

“(B) ALTERNATIVE FORMULA.—A State may increase the percentage described in subparagraph (A)(ii) (and commensurately decrease the percentage described in subparagraph (A)(i)).

“(C) USE OF FUNDS.—The State shall make subgrants to local educational agencies from allocations made under this paragraph to enable the agencies to carry out subpart 3.

“(2) COMPETITIVE SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES AND ELIGIBLE PARTNERSHIPS.—

“(A) COMPETITIVE PROCESS.—A State receiving a grant under this subpart shall distribute a portion equal to 20 percent of the amount described in subsection (b)(1) through a competitive process.

“(B) PARTICIPANTS.—The competitive process carried out under subparagraph (A) shall be open to local educational agencies and eligible partnerships (as defined in section 2021(d)). In carrying out the process, the State shall give priority to high-need local educational agencies that focus on math, science, or reading professional development programs.

“(C) SUBGRANTS TO ELIGIBLE PARTNERSHIPS.—A State receiving a grant under this subpart shall distribute at least 3 percent of the portion described in subparagraph (A) to the eligible partnerships through the competitive process.

“(D) USE OF FUNDS.—In distributing funds under this paragraph, the State shall make subgrants—

“(i) to local educational agencies to enable the agencies to carry out subpart 3; and

“(ii) to the eligible partnerships to enable the partnerships to carry out subpart 2 (but not more than 5 percent of the funds made available to the eligible partnerships through the subgrants may be used for planning and administration related to carrying out such purpose).

“SEC. 2013. STATE USE OF FUNDS.

“(a) AUTHORIZED STATE ACTIVITIES.—The authorized State activities referred to in section 2012(b)(2) are the following:

“(1) Reforming teacher certification (including recertification) or licensure requirements to ensure that—

“(A) teachers have the necessary teaching skills and academic content knowledge in the academic subjects in which the teachers are assigned to teach;

“(B) the requirements are aligned with the State's challenging State content standards; and

“(C) teachers have the knowledge and skills necessary to help students meet challenging State student performance standards.

“(2) Carrying out programs that—

“(A) include support during the initial teaching experience, such as mentoring programs; and

“(B) establish, expand, or improve alternative routes to State certification of teachers for highly qualified individuals with a baccalaureate degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective teachers.

“(3) Developing and implementing effective mechanisms to assist local educational agencies and schools in effectively recruiting and

retaining highly qualified and effective teachers and principals.

“(4) Reforming tenure systems and implementing teacher testing and other procedures to remove expeditiously incompetent and ineffective teachers from the classroom.

“(5) Developing or improving systems of performance measures to evaluate the effectiveness of professional development programs and activities in improving teacher quality, skills, and content knowledge, and increasing student achievement.

“(6) Developing or improving systems to evaluate the impact of teachers on student achievement.

“(7) Providing technical assistance to local educational agencies consistent with this part.

“(8) Funding projects to promote reciprocity of teacher certification or licensure between or among States, except that no reciprocity agreement developed under this paragraph or developed using funds provided under this part may lead to the weakening of any State teaching certification or licensing requirement.

“(9) Developing or assisting local educational agencies or eligible partnerships (as defined in section 2021(d)) in the development and utilization of proven, innovative strategies to deliver intensive professional development programs and activities that are both cost-effective and easily accessible, such as through the use of technology and distance learning.

“(b) COORDINATION.—A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 (20 U.S.C. 1022) shall coordinate the activities carried out under this section and the activities carried out under that section 202.

“(c) PUBLIC ACCOUNTABILITY.—

“(1) IN GENERAL.—A State that receives a grant under this subpart—

“(A) in the event the State provides public State report cards on education, shall include in such report cards information on the State's progress with respect to—

“(i) subject to paragraph (2), improving student academic achievement, as defined by the State;

“(ii) closing academic achievement gaps, as defined by the State, between groups described in paragraph (2)(A)(i); and

“(iii) increasing the percentage of classes in core academic subjects that are taught by highly qualified teachers; or

“(B) in the event the State provides no such report card, shall publicly report the information described in subparagraph (A) through other means.

“(2) DISAGGREGATED DATA.—The information described in clauses (i) and (ii) of paragraph (1)(A) and clauses (i) and (ii) of section 2014(b)(2)(A) shall be—

“(A) disaggregated—

“(i) by minority and non-minority group and by low-income and non-low-income group; and

“(ii) using assessments under section 1111(b)(3); and

“(B) publicly reported in the form of disaggregated data only when such data are statistically sound.

“(3) PUBLIC AVAILABILITY.—Such information shall be made widely available to the public, including parents and students, through major print and broadcast media outlets throughout the State.

“SEC. 2014. APPLICATIONS BY STATES.

“(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State shall submit an application to the Secretary at such

time, in such manner, and containing such information as the Secretary may reasonably require.

“(b) CONTENTS.—Each application submitted under this section shall include the following:

“(1) A description of how the State will ensure that a local educational agency receiving a subgrant to carry out subpart 3 will comply with the requirements of such subpart.

“(2)(A) A description of the performance indicators that the State will use to measure the annual progress of the local educational agencies and schools in the State with respect to—

“(i) subject to section 2013(c)(2), improving student academic achievement, as defined by the State;

“(ii) closing academic achievement gaps, as defined by the State, between groups described in section 2013(c)(2)(A)(i); and

“(iii) increasing the percentage of classes in core academic subjects that are taught by highly qualified teachers.

“(B) An assurance that the State will require each local educational agency and school in the State receiving funds under this part to publicly report information on the agency’s or school’s annual progress, as measured by the performance indicators.

“(3) A description of how the State will hold the local educational agencies and schools accountable for making annual gains toward meeting the performance indicators described in paragraph (2).

“(4)(A) A description of how the State will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs, including those authorized under title I, title III, title IV, part A of title VII, and (where applicable) the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.).

“(B) A description of the comprehensive strategy that the State will use as part of the effort to carry out the coordination, to ensure that teachers are trained in the utilization of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in all curriculum areas and academic subjects, as appropriate.

“(5) A description of how the State will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as through the use of technology and distance learning.

“(c) APPLICATION SUBMISSION.—A State application submitted to the Secretary under this section shall be approved by the Secretary unless the Secretary makes a written determination, within 90 days after receiving the application, that the application is in violation of the provisions of this Act.

“Subpart 2—Subgrants to Eligible Partnerships

“SEC. 2021. PARTNERSHIP GRANTS.

“(a) IN GENERAL.—From the amount described in section 2012(c)(2)(C), the State agency for higher education, working in conjunction with the State educational agency (if such agencies are separate), shall award subgrants on a competitive basis under section 2012(c) to eligible partnerships to enable such partnerships to carry out activities described in subsection (b). Such subgrants shall be equitably distributed by geographic area within the State.

“(b) USE OF FUNDS.—An eligible partnership that receives funds under section 2012 shall use the funds for—

“(1) professional development activities in core academic subjects to ensure that teachers have content knowledge in the academic subjects that the teachers teach; and

“(2) developing and providing assistance to local educational agencies and the teachers, principals, and administrators of public and private schools served by each such agency, for sustained, high-quality professional development activities that—

“(A) ensure the agencies and individuals are able to use State content standards, performance standards, and assessments to improve instructional practices and improve student achievement; and

“(B) may include intensive programs designed to prepare teachers who will return to a school to provide such instruction to other teachers within such school.

“(C) SPECIAL RULE.—No single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under section 2012.

“(d) COORDINATION.—An eligible partnership that receives a grant to carry out this subpart and a grant under section 203 of the Higher Education Act of 1965 (20 U.S.C. 1023) shall coordinate the activities carried out under this section and the activities carried out under that section 203.

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

“(1) shall include—

“(A) a high-need local educational agency;

“(B) a school of arts and sciences; and

“(C) an institution that prepares teachers; and

“(2) may include other local educational agencies, a public charter school, a public or private elementary school or secondary school, an educational service agency, a public or private nonprofit educational organization, or a business.

“Subpart 3—Subgrants to Local Educational Agencies

“SEC. 2031. LOCAL USE OF FUNDS.

“(a) REQUIRED ACTIVITIES.—

“(1) IN GENERAL.—Each local educational agency that receives a subgrant to carry out this subpart shall use the subgrant to carry out the activities described in this subsection.

“(2) REQUIRED PROFESSIONAL DEVELOPMENT ACTIVITIES.—

“(A) MATHEMATICS AND SCIENCE.—

“(i) IN GENERAL.—Each local educational agency that receives a subgrant to carry out this subpart shall use a portion of the funds made available through the subgrant for professional development activities in mathematics and science in accordance with section 2032.

“(ii) GRANDFATHER OF OLD WAIVERS.—A waiver provided to a local educational agency under part D of title XIV prior to the date of enactment of the Teacher Empowerment Act shall be deemed to be in effect until such time as the waiver otherwise would have ceased to be effective.

“(B) PROFESSIONAL DEVELOPMENT ACTIVITIES.—Each local educational agency that receives a subgrant to carry out this subpart shall use a portion of the funds made available through the subgrant for professional development activities that give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards. Such activities shall be consistent with section 2032.

“(b) ALLOWABLE ACTIVITIES.—Each local educational agency that receives a subgrant to carry out this subpart may use the funds made available through the subgrant to carry out the following activities:

“(1) Recruiting and hiring certified or licensed teachers, including teachers certified through State and local alternative routes, in order to reduce class size, or hiring special education teachers.

“(2) Initiatives to assist in recruitment of highly qualified teachers who will be assigned teaching positions within their fields, including—

“(A) providing signing bonuses or other financial incentives, such as differential pay, for teachers to teach in academic subjects in which there exists a shortage of such teachers within a school or the area served by the local educational agency;

“(B) establishing programs that—

“(i) recruit professionals from other fields and provide such professionals with alternative routes to teacher certification; and

“(ii) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession; and

“(C) implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool of teachers, such as identifying teachers certified through alternative routes, and by implementing a system of intensive screening designed to hire the most qualified applicants.

“(3) Initiatives to promote retention of highly qualified teachers and principals, including—

“(A) programs that provide mentoring to newly hired teachers, such as mentoring from master teachers, and to newly hired principals; and

“(B) programs that provide other incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic success.

“(4) Programs and activities that are designed to improve the quality of the teacher force, such as—

“(A) innovative professional development programs (which may be through partnerships including institutions of higher education), including programs that train teachers to utilize technology to improve teaching and learning, that are consistent with the requirements of section 2032;

“(B) development and utilization of proven, cost-effective strategies for the implementation of professional development activities, such as through the utilization of technology and distance learning;

“(C) professional development programs that provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented); and

“(D) professional development programs that provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subparagraph (C) to learn.

“(5) Programs and activities related to—

“(A) tenure reform;

“(B) provision of merit pay; and

“(C) testing of elementary school and secondary school teachers in the academic subjects taught by such teachers.

“(6) Activities that provide teacher opportunity payments, consistent with section 2033.

“SEC. 2032. PROFESSIONAL DEVELOPMENT FOR TEACHERS.

“(a) LIMITATION RELATING TO CURRICULUM AND ACADEMIC SUBJECTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), funds made available to carry out this subpart may not be provided for a teacher and a professional development activity if the activity is not—

“(A) directly related to the curriculum and academic subjects in which the teacher provides instruction; or

“(B) designed to enhance the ability of the teacher to understand and use State standards for the academic subjects in which the teacher provides instruction.

“(2) EXCEPTION.—Paragraph (1) shall not be construed to prohibit the use of the funds for professional development activities that provide instruction described in subparagraphs (C) and (D) of section 2031(b)(4).

“(b) OTHER REQUIREMENTS.—Professional development activities provided under this subpart—

“(1) shall be measured, in terms of progress, using the specific performance indicators established by the State involved in accordance with section 2014(b)(2);

“(2) shall be tied to challenging State or local content standards and student performance standards;

“(3) shall be tied to scientifically based research demonstrating the effectiveness of the activities in increasing student achievement or substantially increasing the knowledge and teaching skills of the teachers participating in the activities;

“(4) shall be of sufficient intensity and duration to have a positive and lasting impact on the performance of a teacher in the classroom (which shall not include 1-day or short-term workshops and conferences), except that this paragraph shall not apply to an activity if such activity is 1 component described in a long-term comprehensive professional development plan established by the teacher and the teacher’s supervisor based upon an assessment of the needs of the teacher, the students of the teacher, and the local educational agency involved; and

“(5) shall be developed with extensive participation of teachers, principals, and administrators of schools to be served under this part.

“(c) ACCOUNTABILITY AND REQUIRED PAYMENTS.—

“(1) IN GENERAL.—A State shall notify a local educational agency that the agency may be subject to the requirement of paragraph (3) if, after any fiscal year, the State determines that the professional development activities funded by the agency under this subpart fail to meet the requirements of subsections (a) and (b).

“(2) TECHNICAL ASSISTANCE.—A local educational agency that has received notification pursuant to paragraph (1) may request technical assistance from the State in order to provide the opportunity for such local educational agency to comply with the requirements of subsections (a) and (b).

“(3) REQUIREMENT TO PROVIDE TEACHER OPPORTUNITY PAYMENTS.—

“(A) IN GENERAL.—A local educational agency that has received notification from the State pursuant to paragraph (1) during any 2 consecutive fiscal years shall expend under section 2033 for the succeeding fiscal year a proportion of the funds made available to the agency to carry out this subpart equal to the proportion of such funds expended by the agency for professional development activities for the second fiscal year in which the agency received the notification.

“(B) REQUESTS.—On request by a group of teachers in schools served by the local educational agency, the agency shall use a portion of the funds provided to the agency to carry out this subpart, to provide payments in accordance with section 2033.

“(d) DEFINITION.—In this section, the term ‘professional development activity’ means an activity described in subsection (a)(2) or (b)(4) of section 2031.

“SEC. 2033. TEACHER OPPORTUNITY PAYMENTS.

“(a) IN GENERAL.—A local educational agency receiving funds to carry out this subpart may (or in the case of section 2032(c)(3), shall) provide payments directly to a teacher or a group of teachers seeking opportunities to participate in a professional development activity of their choice.

“(b) NOTICE TO TEACHERS.—Each local educational agency distributing payments under this section—

“(1) shall establish and implement a timely process through which proper notice of availability of the payments will be given to all teachers in schools served by the agency; and

“(2) shall develop a process through which teachers will be specifically recommended by principals to participate in such opportunities by virtue of—

“(A) the teachers’ lack of full certification or licensing to teach the academic subjects in which the teachers teach; or

“(B) the teachers’ need for additional assistance to ensure that their students make progress toward meeting challenging State content standards and student performance standards.

“(c) SELECTION OF TEACHERS.—In the event adequate funding is not available to provide payments under this section to all teachers seeking such payments, or recommended under subsection (b)(2), a local educational agency shall establish procedures for selecting teachers for the payments, which shall provide priority for those teachers recommended under subsection (b)(2).

“(d) ELIGIBLE ACTIVITY.—A teacher receiving a payment under this section shall have the choice of attending any professional development activity that meets the criteria set forth in subsections (a) and (b) of section 2032.

“SEC. 2034. LOCAL APPLICATIONS.

“(a) IN GENERAL.—A local educational agency seeking to receive a subgrant from a State to carry out this subpart shall submit an application to the State—

“(1) at such time as the State shall require; and

“(2) that is coordinated with other programs carried out under this Act (other than programs carried out under this subpart).

“(b) LOCAL APPLICATION CONTENTS.—The local application described in subsection (a) shall include, at a minimum, the following:

“(1) A description of how the local educational agency intends to use funds provided to carry out this subpart.

“(2) An assurance that the local educational agency will target funds to schools served by the local educational agency that—

“(A) have the lowest proportions of highly qualified teachers; or

“(B) are identified for school improvement under section 1116(c).

“(3) A description of how the local educational agency will coordinate professional development activities authorized under this subpart with professional development activities provided through other Federal, State, and local programs, including those authorized under title I, title III, title IV,

part A of title VII, and (where applicable) the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.).

“(4) A description of how the local educational agency will integrate funds received to carry out this subpart with funds received under title III that are used for professional development to train teachers in how to use technology to improve learning and teaching.

“(5) A description of how the local educational agency has collaborated with teachers, principals, parents, and administrators in the preparation of the application.

“(c) PARENTS’ RIGHT-TO-KNOW.—A local educational agency that receives funds to carry out this subpart shall provide, upon request and in an understandable and uniform format, to any parent of a student attending any school receiving funds under this subpart from the agency, information regarding the professional qualifications of the student’s classroom teachers, including, at a minimum, whether the teachers are highly qualified.

“Subpart 4—National Activities**“SEC. 2041. ALTERNATIVE ROUTES TO TEACHING.**

“(a) TEACHER EXCELLENCE ACADEMIES.—

“(1) IN GENERAL.—The Secretary may award grants on a competitive basis to eligible consortia to carry out activities described in this subsection.

“(2) USE OF FUNDS.—

“(A) IN GENERAL.—An eligible consortium receiving funds under this subsection shall use the funds to pay the costs associated with the establishment or expansion of a teacher academy, in an elementary school or secondary school facility, that carries out—

“(i) the activities promoting alternative routes to State teacher certification specified in subparagraph (B); or

“(ii) the model professional development activities specified in subparagraph (C).

“(B) PROMOTING ALTERNATIVE ROUTES TO TEACHER CERTIFICATION.—The activities promoting alternative routes to State teacher certification specified in this subparagraph are the design and implementation of a course of study and activities providing an alternative route to State teacher certification that—

“(i) provide opportunities to highly qualified individuals with a baccalaureate degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction;

“(ii) provide stipends, for not more than 2 years, to permit individuals described in clause (i) to participate as student teachers able to fill teaching needs in academic subjects in which there is a demonstrated shortage of teachers;

“(iii) provide for the recruitment and hiring of master teachers to mentor and train student teachers within such academies; and

“(iv) include a reasonable service requirement for individuals completing the course of study and alternative certification activities established by the eligible consortium.

“(C) MODEL PROFESSIONAL DEVELOPMENT.—The model professional development activities specified in this subparagraph are activities providing ongoing professional development opportunities for teachers, such as—

“(i) innovative programs and model curricula in the area of professional development, which may serve as models to be disseminated to other schools and local educational agencies; and

“(ii) the development of innovative techniques for evaluating the effectiveness of professional development programs.

“(3) GRANT FOR SPECIAL CONSORTIUM.—In making grants under this subsection, the Secretary shall award not less than 1 grant to an eligible consortium that—

“(A) includes a high-need local educational agency located in a rural area; and

“(B) proposes activities that involve the extensive use of distance learning in order to provide the applicable course work to student teachers.

“(4) SPECIAL RULE.—No single participant in an eligible consortium may use more than 50 percent of the funds made available to the consortium under this subsection.

“(5) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible consortium shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(6) ELIGIBLE CONSORTIUM.—In this subsection, the term ‘eligible consortium’ means a consortium for a State that—

“(A) shall include—

“(i) the State agency responsible for certifying or licensing teachers;

“(ii) not less than 1 high-need local educational agency;

“(iii) a school of arts and sciences; and

“(iv) an institution that prepares teachers; and

“(B) may include local educational agencies, public charter schools, public or private elementary schools or secondary schools, educational service agencies, public or private nonprofit educational organizations, museums, or businesses.

“(b) TROOPS-TO-TEACHERS PROGRAM.—

“(1) PURPOSE.—The purpose of this subsection is to authorize a mechanism for the funding and administration after September 30, 2000, of the Troops-to-Teachers Program established by the Troops-to-Teachers Program Act of 1999 (subtitle I of title V of the National Defense Authorization Act for Fiscal Year 2000).

“(2) TRANSFER OF FUNDS FOR ADMINISTRATION OF PROGRAM.—Subject to paragraph (3), to the extent that funds are made available under this Act for the Troops-to-Teachers Program, the Secretary of Education shall transfer the funds to the Defense Activity for Non-Traditional Education Support of the Department of Defense. The Defense Activity shall use the funds to perform the actual administration of the Troops-to-Teachers Program, including the selection of participants in the Program under section 594 of the Troops-to-Teachers Program Act of 1999. The Secretary of Education may retain a portion of the funds to identify local educational agencies with teacher shortages and States with alternative certification requirements, as required by section 592 of such Act.

“(3) DEFENSE AND COAST GUARD CONTRIBUTION.—The Secretary of Education may not transfer funds under paragraph (2) unless the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard, agree to pay for not less than 25 percent of the costs associated with the activities conducted under the Troops-to-Teachers Program. The contributions may be in cash or in kind, fairly evaluated, including plant, equipment, and services, and may be from private contributions made for purposes of the Program.

“SEC. 2042. EISENHOWER NATIONAL CLEARINGHOUSE FOR MATHEMATICS AND SCIENCE EDUCATION.

“The Secretary may award a grant or contract, in consultation with the Director of

the National Science Foundation, to an entity to continue the Eisenhower National Clearinghouse for Mathematics and Science Education.

“Subpart 5—Funding

“SEC. 2051. AUTHORIZATION OF APPROPRIATIONS.

“(a) FISCAL YEAR 2000.—There are authorized to be appropriated to carry out this part \$2,060,000,000 for fiscal year 2000, of which \$15,000,000 shall be available to carry out subpart 4.

“(b) OTHER FISCAL YEARS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2001 through 2004.

“Subpart 6—General Provisions

“SEC. 2061. DEFINITIONS.

“In this part:

“(1) ARTS AND SCIENCES.—The term ‘arts and sciences’ has the meaning given the term in section 201(b) of the Higher Education Act of 1965 (20 U.S.C. 1021(b)).

“(2) HIGHLY QUALIFIED.—The term ‘highly qualified’ means—

“(A) with respect to an elementary school teacher, a teacher—

“(i) with an academic major in the arts and sciences; or

“(ii) who can demonstrate competence through a high level of performance in core academic subjects; and

“(B) with respect to a secondary school teacher, a teacher—

“(i) with an academic major in the academic subject in which the teacher teaches or in a related field;

“(ii) who can demonstrate a high level of competence through rigorous academic subject tests; or

“(iii) who can demonstrate competence through a high level of performance in relevant content areas.

“(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ‘high-need local educational agency’ means a local educational agency that serves an elementary school or secondary school located in an area in which there is—

“(A) a high percentage of individuals from families with incomes below the poverty line;

“(B) a high percentage of secondary school teachers not teaching in the academic subject in which the teachers were trained to teach; or

“(C) a high teacher turnover rate.

“(4) OUT-OF-FIELD TEACHER.—The term ‘out-of-field teacher’ means a teacher—

“(A) teaching an academic subject for which the teacher is not highly qualified, as determined by the State involved; or

“(B) who did not receive a degree from an institution of higher education with a major or minor in the field in which the teacher teaches.

“(5) 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.

“(6) SCIENTIFICALLY BASED RESEARCH.—The term ‘scientifically based research’—

“(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to professional development of teachers; and

“(B) includes research that—

“(i) employs systematic, empirical methods that draw on observation or experiment;

“(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

“(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

“(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.’’.

(b) CONFORMING AMENDMENT.—Section 13302(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8672(1)) is amended by striking “2102(b)” and inserting “2042”.

SEC. 3. AMENDMENTS RELATING TO READING EXCELLENCE ACT.

(a) REPEAL OF PART B.—Part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6641 et seq.) is repealed.

(b) READING EXCELLENCE ACT.—

(1) PART HEADING.—Part C of title II of such Act is redesignated as part B and the heading for such part B is amended to read as follows:

“PART B—READING EXCELLENCE ACT”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2260(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661i(a)) is amended by adding at the end the following:

“(3) FISCAL YEARS 2001 THROUGH 2004.—There are authorized to be appropriated to carry out this part \$260,000,000 for fiscal year 2001 and such sums as may be necessary for fiscal years 2002 through 2004.’’.

(3) SHORT TITLE.—Part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661) is amended by adding at the end the following:

“SEC. 2261. SHORT TITLE.

“This part may be cited as the ‘Reading Excellence Act.’”.

SEC. 4. GENERAL PROVISIONS.

(a) IN GENERAL.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by repealing part D;

(2) by redesignating part E as part C; and

(3) by repealing sections 2401 and 2402 and inserting the following:

“SEC. 2401. PROHIBITION ON MANDATORY NATIONAL CERTIFICATION OR LICENSING OF TEACHERS.

“(a) PROHIBITION ON MANDATORY TESTING, CERTIFICATION, OR LICENSING.—Notwithstanding any other provision of law, the Secretary may not use Federal funds to plan, develop, implement, or administer any mandatory national teacher test or method of certification or licensing.

“(b) PROHIBITION ON WITHHOLDING FUNDS.—The Secretary may not withhold funds from any State or local educational agency if such State or local educational agency fails to adopt a specific method of teacher certification or licensing.

“SEC. 2402. PROVISIONS RELATED TO PRIVATE SCHOOLS.

“The provisions of sections 14503 through 14506 apply to programs carried out under this title.

“SEC. 2403. HOME SCHOOLS.

“Nothing in this title shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether a home school is treated as a private school or home school under the law of the State involved, except that the Secretary may require that funds provided to a school under

this title be used for the purposes described in this title. This section shall not be construed to bar private, religious, or home schools from participating in or receiving programs or services under this title.”

(b) CONFORMING AMENDMENTS.—

(1) COORDINATION.—Section 1202(c)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(c)(2)(C)) is amended, in the subparagraph heading, by striking “PART C” and inserting “PART B”.

(2) DEFINITION OF COVERED PROGRAM.—Section 14101(10)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(10)(C)) is amended by striking “(other than section 2103 and part D)”.

(3) PRIVATE SCHOOL PARTICIPATION.—Section 14503(b)(1)(B) (20 U.S.C. 8893(b)(1)(B)) of such Act is amended by striking “(other than section 2103 and part D of such title)”.

● Mr. MACK. Mr. President, I rise today to speak on behalf of the Teacher Empowerment Act, which is legislation introduced by my friend and colleague Senator GREGG. I am proud to be an original cosponsor of this legislation, which responds to several critical needs facing American education. In particular, it addresses teacher quality and quantity. It addresses local control of educating our children. It requires accountability to parents and students. In short, it is a plan to ensure that every child in America is prepared for global competition in the 21st Century.

The Teacher Empowerment Act recognizes the expertise of our state and local governments in educating our children. American parents trust their teachers and principals to make appropriate educational decisions for their children. In reality, Washington bureaucrats have called the shots for far too long. The results indicate that in lieu of achievement, we now have reams of paperwork and a myriad of programs to address local problems at the national level. We can and must do better.

The Teacher Empowerment Act puts decision making authority back into the hands of local schools. It encourages states to implement innovative teacher reforms and high quality professional development programs to increase teacher knowledge and student achievement. Local schools would be encouraged to fund innovative programs such as teacher testing—a concept which I have strongly supported and which this body supported last year in a bipartisan vote—as well as tenure reform, merit-based pay, alternative routes to teacher certification, differential and bonus pay for teachers in high need subject areas, teacher mentoring, and in-service teacher academies.

Our children are counting on us to ensure that they receive an education second to none. That starts with exceptional teachers and schools that are able to address the individual needs of its students. This bill returns to local schools the ability and authority to accomplish these goals. I urge my colleagues to support this bill.●

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 37, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 218

At the request of Mr. MOYNIHAN, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 218, a bill to amend the Harmonized Tariff Schedule of the United States to provide for equitable duty treatment for certain wool used in making suits.

S. 329

At the request of Mr. ROBB, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 329, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 459

At the request of Mr. BREAU, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 484

At the request of Mr. CAMPBELL, the names of the Senator from North Dakota (Mr. CONRAD), and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 556

At the request of Mr. BAUCUS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 556, a bill to amend title 39, United States Code, to establish guidelines for the relocation, closing, consolidation, or construction of post offices, and for other purposes.

S. 620

At the request of Mr. SARBANES, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 620, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 631

At the request of Mr. DEWINE, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S.

631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 659

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 659, a bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes.

S. 666

At the request of Mr. LUGAR, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 666, a bill to authorize a new trade and investment policy for sub-Saharan Africa.

S. 693

At the request of Mr. HELMS, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 796

At the request of Mr. WELLSTONE, the names of the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 1022

At the request of Mr. DORGAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1022, a bill to authorize the appropriation of an additional \$1,700,000,000 for fiscal year 2000 for health care for veterans.

S. 1144

At the request of Mr. VOINOVICH, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1187

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1214

At the request of Mr. THOMPSON, the name of the Senator from Maine (Ms.