United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161 WASHINGTON, TUESDAY, JULY 14, 2015 No. 109

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Father of all, give us Your wisdom in these challenging times. May Your wisdom ignite within us reverential awe for You. Inspired by Your wisdom, help our Senators to strive to ensure that their thoughts, words, and deeds glorify You. May our lawmakers not forget that You are an ever-present help for turbulent times, eager to deliver those who call on Your Holy Name.

Lord, sustain us with Your might that we will live free from fear. Mighty God, salvation belongs to You. Continue to shower us with Your blessings.

We pray in Your majestic Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

NUCLEAR AGREEMENT WITH IRAN

Mr. MCCONNELL. Mr. President, 2 weeks ago, I asked the Obama administration to step back from the Iran negotiations, press pause, and reexamine the point of having the talks in the first place. That would have been the most rational and reasonable approach for the White House to take, especially considering that its own allies in the Senate were using phrases such as ''deeply worrying'' to describe the direction of the talks.

But instead of taking the time to reexamine basic objectives with its partners and agree on the nonnegotiable elements of any deal—things such as anytime, anywhere inspections, complete disclosure of previous military-related nuclear research, and phased relief of sanctions tied to Iranian compliance—the White House acquiesced instead to artificial deadline after artificial deadline and opportunity after opportunity for Iran to press for additional concessions along the way.

The result is the comprehensive nuclear agreement announced today. Given what we do know so far, it appears that Republicans and Democrats were right to be deeply worried about the direction of these talks.

It seems Americans in both parties were right to fear that a deal inked by the White House would further the flawed elements of April's interim agreement, that it would aim at the best deal acceptable to Iran rather than one that might actually end Iran's nuclear program. Remember, ending Iran's nuclear program was supposed to be the point of these talks in the first place. What is already clear about this agreement is that it will not achieve or even come close to achieving that original purpose.

Instead, the Iranians appear to have prevailed in this negotiation, maintaining thousands of centrifuges, enriching their threshold nuclear capability instead of ending it, reaping a multibillion-dollar windfall to spend freely on terrorism, dividing our Western allies and negotiating partners, some of whom will undoubtedly sell arms to Iran, and gaining legitimacy before the world.

This was an entirely predictable result—in fact, the most predictable result given the administration's stance. As noted back in 2012, here is what I said: ''The only way the Iranian regime can be expected to negotiate to preserve its own survival rather than to simply delay as a means of pursuing nuclear weapons is if the administration imposes the strictest sanctions while at the same time enforcing a firm, declaratory policy that reflects a commitment to the use of force.''

But, no, the administration never did that. Instead, it relied upon train-and-equip programs instead of forward presence, emphasized special operations forces in economy of force efforts, pursued a drawdown from Iraq and Afghanistan based on timelines, not battlefield conditions, and executed a drawdown of our conventional and nuclear forces and a withdrawal of those forces by both attrition and redeployment. Through actions such as these and by eschewing any declaratory policy toward Iran, the President made clear to the world, contrary to his rhetoric, that all options were not on the table. All options were simply not on the table. Knowing this, the Iranians never feared for their survival—of course, the survival of their regime being their No. 1 goal. And so we have the deal we have today.

It appears we have lost the chance to dismantle Iran's nuclear program and that will now become a challenge for the next President to confront, regardless of political party. But the Senate has yet to receive the final text of the agreement. We will not come to a final judgment until we do. The country deserves a thorough and fair review right here in the Senate, and that is just what we intend to pursue.

Committees will be holding hearings, witnesses will be coming to testify, and then Congress will approve or disapprove the deal in accordance with the Iran Nuclear Agreement Review Act.

The test of the agreement should be this. Will it leave our country and our allies safer? Will this agreement leave our country and our allies safer?

There are several things we will be looking at in particular as we weigh

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

whether it will, and here are a few of them: Will the agreement allow for anytime, anywhere inspections of military installations and research and development facilities?

Will the agreement compel the Iranians to disclose the possible military dimensions of their nuclear program?

Will the agreement make any real impact on Iran's ability to continue researching and developing advanced centrifuges?

Will the agreement's sanctions relief be tied to Iran's strict adherence to the terms of the deal, and will we have any real way to verify its compliance?

These parameters will also help us determine just how successful the Iranians have been in extracting concessions from the White House. So we will be examining them very closely.

I will remind colleagues of the deadly seriousness of the issue at hand. This should not be about some political legacy project. This is not some game either.

It is certainly not the time for more tired, obviously untrue talking points about the choice here between a bad deal and war. No serious person would believe that is true. Even the people saying these things have to know they are not true, and they probably know that the very opposite is, in fact, more likely. So the country doesn't have time to waste on more White House messaging exercises when the seriousness of the moment calls for intellectually honest debate. The choices made today are sure to affect our country for years—probably decades—to come.

The future we leave to our children is at issue as well. The Senate should engage in serious consideration of what faces us in the years ahead. I invite every Democrat and every Republican to join us in that critical conversation. Our country deserves no less. What we must decide now is whether this is really the right time to be reducing pressure on the world's leading state sponsor of terror and for what in return. We already know what the Quds Force is capable of under the sanctions regime. What will Iran's support of terrorism look like with the additional funding obtained from sanctions relief?

Let's not forget that Iran is pursuing a full-spectrum campaign to expand its sphere of influence and undermine American security and standing in the region. Iran's continued support of terrorism and its determination to expand ballistic missile and conventional military capabilities should be gravely concerning to each of us. They certainly are to me. They pose significant challenges to our country and President Obama's successor.

This comes on top of the many other threats that challenge our country today and into the future from groups such as the Taliban, Al Qaeda, and ISIL to increasingly aggressive regimes in Moscow and Beijing. A bad deal won't make any of those threats go away. Pretending otherwise isn't going to make us safer. A bad deal will only ensure that Iran has more funding to threaten us with renewed vigor. It will only ensure that Iran expands its stockpile of missiles and that it strengthens terrorist proxies such as Hezbollah, the Houthi insurgents in Yemen, and the Assad regime in Syria.

In fact, here is a Reuters headline from this morning. Listen to this: ''Syria's Assad sees more Iranian support after nuclear deal.'' That is the reaction from the Syrian regime. ''Syria's Assad sees more Iranian support after the nuclear deal.''

Look, the White House needs to know that the Congress elected by the people is prepared to do anything it can to make America safer. We want to work collaboratively with the President to advance that goal, but if we have to work against a bad agreement to do so—a flawed deal that threatens our country and our allies—I assure you, we will.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The Democratic leader is recognized.

NUCLEAR AGREEMENT WITH IRAN

Mr. REID. Mr. President, I issued a statement earlier this morning. Today's historic accord is the result of years of hard work by President Obama and his administration. The world community agrees that a nuclear-armed Iran is unacceptable and a threat to our national security, to the safety of Israel, and to the stability of the whole Middle East. Now it is incumbent on the Congress to review this agreement with a thoughtful, level-headed process and to give this agreement the review it deserves.

EDUCATION BILL AND APPROPRIATIONS PROCESS

Mr. REID. Mr. President, in the Chamber this morning we have the chairman of the education committee, a man for whom I have the utmost respect. He is a person who understands education. He was the Governor of the State of Tennessee. He was the Secretary of Education, and he has been an outstanding Senator.

But something occurred last night that I think is really outside the specter of reasonableness. Cloture was filed on the education bill last night, meaning we are going to have a vote on it tomorrow morning.

We have worked on a few amendments, and basically all of them could have been accepted with voice votes. There was not a single difficult amendment that was brought up. So now cloture is being sought, and in the process, ignoring Democratic amendments that we have been waiting to offer for some time now. We are not going to allow cloture to succeed unless we have a pathway forward on these amendments.

The ranking member of the committee, the senior Senator from Washington, knows this. She has talked with the chairman of the committee about this, and we are going to have to have a reasonable time to debate those amendments and have votes on those amendments. Otherwise, we are not going to complete this bill. It is an important bill. We should complete the bill.

Senate Democrats have said for months that Republicans are running a sham on the appropriations process. From the very beginning, the Republicans have proceeded with an appropriations process that is designed to fail. They moved forward bills they know Democrats cannot support. Republican leaders in Congress simply have shown no interest in funding our government in a fair and responsible manner.

This past week, even we were surprised how House Republican leadership has handled the appropriations process. Republicans brought their interior and environment appropriations bill before the House for debate. This legislation is nothing short of a disaster. In fact, the bill that they brought to the floor is so bad that President Obama has made it clear already that it will be vetoed.

What does it do? It strangles the Environmental Protection Agency's budget, cutting it by 9 percent, $700 million. It prohibits completion and implementation of pollution standards for dirty powerplants to address climate change. It cuts funding for State drinking water infrastructure. It cuts funding for National Parks.

We have such an infrastructure deficit in our National Park System that it is a crying shame. Yet they cut more from this program. We are the envy of the rest of the world with our national parks, but with how the Republicans have treated this wonderful system of parks we have, they are really being depleted. It allows corporations to shift costs of their toxic waste bills to taxpayers.

We have had for decades a very successful program to clean up these very, very dirty spills dealing with chemicals and other substances that shouldn't be on the ground. It is called Superfund. What it does is make sure that these environmental disasters are paid for by the people who created the disaster. What does the House do on this? They change this and say: No, we are not going to have the people that messed up the environment clean it up; we are going to have the taxpayers clean it up. That is wrong.

This bill that was in the House last week blocks hydraulic fracking rules for public lands designed to provide transparency and protect communities that host oil and gas drilling. Rules for public lands, not private lands—they eliminate that.

Those are only a small number of the devastating provisions the Republicans

have piled into this funding bill. But even more shocking was what occurred next, as legislation pertaining to the removal of the Confederate flag brought the Republicans' appropriations bill to a screeching halt. In an attempt to avoid voting on amendments that would outlaw the use of Confederate emblems, the House leadership shut down their own spending bill.

The Confederate flag issue was brought up by Republicans. They accepted it the day before this debacle took place on the House floor. But then they wanted more debate on the Confederate flag, and it didn't sell. What did they do? They figured out a way to drop this bill totally and take it off the floor.

Listen to a few of the headlines that were in the newspapers that follow.

From the Atlantic: ''Republican Defenders of the Confederate Flag Derail a Spending Bill.''

From Politico: ''GOP Leaders Yank Bill after Confederate Flag Fracas.''

From Roll Call: ''The Confederate Flag Imperils Republican Goal to Finish Spending Bills by August.''

Finally, from the Wall Street Journal: ''Confederate Flag Debate Prompts House to Pull Spending Bill.''

It is very disappointing that this is what the Republican Party of the 21st century stands for—protecting emblems of racism and our tragic past. The Congress should not be protecting the Confederate flag. Protecting the Confederate flag certainly is not worthy of bringing the entire U.S. Government to a standstill. But that is what the Republicans have been doing all along with their bogus appropriations bills—bringing our country to a standstill.

It has been clear for months that the only way Congress will arrive at a responsible budget is by Republicans and Democrats, Senate and House, sitting down together and finding a path forward. Now is the time to negotiate—not in September, not in October.

We know that the Republicans are experienced in shutting down the government. They did it before for several weeks. It was devastating to our economy, and it was a real shock to the worldwide community. Sequestration is another ingenious method of the Republicans to hurt the American middle class.

Republicans are experienced in shutting down the government. They did it 2 years ago. We know how the American economy suffered.

Senate Democrats aren't the only ones calling on Republican leaders to sit down for bipartisan funding talks. Listen to what was said by congressional Republicans. HAL ROGERS is dean of the Kentucky delegation and chairman of the House Appropriations Committee. Here is what he said:

> If we wait until the end of the fiscal year, then we're going to have to pass a C.R . . . then try to cobble together something in the meantime like we've been doing, but under pressure. And that's not the best way to legislate.

House Appropriations subcommittee chairman MIKE SIMPSON of Idaho said:

> Under sequestration, the way it currently exists, you can't pass appropriations bills. It ensures that what you've got is a C.R. for the rest of your life.

House Appropriations subcommittee chairman TOM COLE said:

> The reality is we still live in a divided government. It's not as if the Democrats can be shut out, but they can't dictate to us any more than we can dictate to them. It's time to sit down and see if we can make a deal.

CHARLIE DENT, Appropriations subcommittee chairman in the House, from Pennsylvania, said:

> We all know there's going to have to be a short-term C.R. to take us from September to December. And I would hope sometime between now and then, we'll have a negotiated budget agreement.

These are just a few of the quotes of the House Republic chairmen. The only way we are going to avoid another Republican Government shutdown is by both parties sitting down to construct a bipartisan agreement.

Let's skip all of the unnecessary drama by starting today to work together to avoid another government shutdown.

What is the business of the day, Mr. President?

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EVERY CHILD ACHIEVES ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1177, which the clerk will report.

The senior assistant legislative clerk read as follows:

> A bill (S. 1177) to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Pending:

> Alexander/Murray amendment No. 2089, in the nature of a substitute.
>
> Murray (for Peters) amendment No. 2095 (to amendment No. 2089), to allow local educational agencies to use parent and family engagement funds for financial literacy activities.
>
> Murray (for Warren/Gardner) amendment No. 2120 (to amendment No. 2089), to amend section 1111(d) of the Elementary and Secondary Education Act of 1965 regarding the cross-tabulation of student data.
>
> Alexander (for Kirk) amendment No. 2161 (to amendment No. 2089), to ensure that States measure and report on indicators of student access to critical educational resources and identify disparities in such resources.
>
> Alexander (for Scott) amendment No. 2132 (to amendment No. 2089), to expand opportunity by allowing Title I funds to follow low-income children.
>
> Murray (for Franken) amendment No. 2093 (to amendment No. 2089), to end discrimination based on actual or perceived sexual orientation or gender identity in public schools.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the Democratic leader expressed the hope that we could have a path to the end on amendments, and I can assure him that Senator MURRAY and I agree with him wholeheartedly. We are working together to try to be able to do that. In the committee, we adopted 29 amendments. Most of those were Democratic amendments. We have adopted 22 on the floor, and the majority of those are Democratic amendments. The Democratic leader has been very helpful to allow us to come to the floor without delay, and I can assure him and the majority leader that Senator MURRAY and I intend to try to resolve the couple of issues we have right now and be able to recommend to the leadership a path forward. It would be my hope that we don't even have to have a cloture vote—that we didn't have to have one to get on the floor, and I hope we don't have to have one to get off the floor. I am not prepared to say we can do that yet, but we agree with him, and we will do our best to do that.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Through the Chair to my friend, the senior Senator from Tennessee, the way the rules now exist, now after coming in tomorrow, there will be a cloture vote. I say to my friend that we need an agreement prior to that or we are not going to get cloture on the bill, on the substitute, which would be a shame. I hope that we can have adequate debate on these amendments. If we have 5 minutes per amendment, that won't work. I know that my friend is a fair man, but we are trying to understand why there was a rush on filing cloture on this bill.

I know there is a lot of work to do around here, but you can't shortchange one bill in an effort to get to something else that may not work either. We have two cloture votes on this bill. We can avoid the cloture vote, and that would be great. Maybe we can avoid the cloture vote on the bill itself. I hope so. But until my Senators are protected, we are not going to invoke cloture tomorrow morning.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I understand what the Democratic leader is saying. I think the best thing for Senator MURRAY and me to do is to continue to work as we have with other Senators. I believe we know almost all of the amendments that are to be adopted. Not only have we adopted the ones in committee and the ones on the floor, but Senator MURRAY and I have several dozen other amendments that we are prepared to recommend to the full Senate be adopted in the substitute agreement. I would say to Senators that if there is any other amendment, I hope you will let us know about it. The filing deadline is 2:30 this afternoon. I hope we have all of the amendments that we need to have.

Occasionally, I am asked: Why do the Senators argue all the time? My answer usually is this: That is what we

are here to do. We are presented with the most contentious issues in the country—issues that can't be resolved in other places. So of course, we are going to argue a lot. We debate. We have rules about debate. We debate what to do about the Iran nuclear deal. We debate what to do about health care. We debate what kind of trade agreements we should have. But occasionally, we come to a consensus about what to do. A consensus is the way you govern a complex country.

I remember very well when I was a very young staff member here, I watched Senator Dirksen, the Republican leader—this was in 1968—and President Johnson, the Democratic President, work together to pass a civil rights bill. The bill was written in the Republican leader's office, even though it had been proposed by the Democratic President. It took 68 votes to pass it, in order to get cloture at that time. When they finally got 68—it took 67; they got 68—Senator Russell of Georgia, who led the opposition, flew to Atlanta and said: It is the law of the land; we need to support it. That is why we have the Senate. The Senate has been called the one authentic piece of genius in the American political system. It is the only place in our Government that encourages and actually forces consensus on important issues.

When you take a complex issue and try to resolve it and have it be the rule for a country as big and diverse as ours, consensus is the only way to do it. I cannot think of an issue about which there needs to be more consensus than one that involves the 100,000 public schools in our country, which have 50 million children and 3½ million teachers. Having a debate such as this about elementary and secondary education is like attending a football game at the University of Tennessee or Arkansas or Washington. Everybody in the stands is an expert. Everybody in the stands knows they can be the coach or the quarterback.

It is not that easy to get a consensus about what to do about elementary and secondary education in America. What is the proper role for the Federal Government? Once you have decided that, then what do you do about it? How much do you spend? What rules do you set?

The remarkable thing is that we have come to a consensus in two ways here about our elementary and secondary education legislation which is on floor today. The first is that we need to get something done. We are 7 years overdue. Newsweek magazine said this last week in the headline to its story: ''The Education Law Everyone Wants to Fix.'' We have tried twice in the last two Congresses. It was a well-intentioned bipartisan effort. Each failed. Each failed. We don't have to go into the reasons why, but they did fail.

In this Congress, we are off to a different start. We have heard from our teachers, our Governors, our superintendents, and our parents that you have to get this done. We want the bill to be as much like the one each one of us would write as possible. But in the end, let's get it done. Not only do we have a remarkable consensus about the need to fix No Child Left Behind, but we have a remarkable consensus about how to do it. I give a great deal of credit for that to the Senator from Washington, Mrs. MURRAY, who suggested to me that she and I write a draft bill together, which we did. We presented it to our committee, which includes many of the most liberal Members of the Senate and many of the most conservative Members of the Senate.

We worked through that draft. We considered 58 amendments. We adopted 29. A majority of those were Democratic amendments. In the end, every single member of the committee voted to report it to the floor. That did not mean every single member of the committee supported every provision in the bill, but I think what it meant—and I asked the members this before they voted: One, has it been a fair process? Have you had a chance to have your say? Is this bill good enough to present to the full Senate? The answer was yes for 22 Senators on both sides of the aisle.

Now, we have come to the Senate floor and we have been here about a week. We have adopted already 22 amendments, 14 of them are Democratic amendments. We have several dozen more amendments that Senator MURRAY and I have reviewed with our staffs and we agree with them. We are going to recommend to the full Senate that those be adopted by voice vote. They are important amendments, important contributions to the bill. We have about two dozen remaining to go which we need to vote on.

We need to do that today and we need to do that tomorrow. There is no need for us to go longer than that. We know what the amendments are. We have time to talk about those amendments on those 2 days. One or two of those are particularly contentious. We are trying to work those out.

So today what I would appeal to my colleagues for is cooperation. We have had excellent cooperation in the committee. We have had members of our committee who agreed not to offer amendments in the committee because they were told by me and Senator MURRAY that they have a chance to offer those amendments on the floor. We intend for them to have that opportunity before we finish this bill.

Senators on both sides of the aisle exercised restraint in that way in pursuit of a result. Most of the Members of the Senate on both sides of this aisle so far in this debate for the last week have done the same. I would simply ask all the Members of the Senate on both sides of the aisle in the next couple of days to show that same kind of restraint and help us get a result.

There is no need for us to go more than a couple of days. There is no need for us to have a cloture vote. We should be able to agree the amendments we know about can be scheduled and there can be an adequate time for debate on those and we can vote on them. We should be able to do that by unanimous consent. We want Senators to have a right to have their say on amendments that are related—related to elementary and secondary education.

So I thank the majority leader for placing this bill on the floor. I thank the Democratic leader for helping to create an environment in which we can succeed. I thank Senator MURRAY and her staff and our staff for working with the other Senators to get as far as we go. What I would ask our colleagues once again to do is to say: Our filing deadline is 2:30. We hope we already have all of the amendments. If everyone will cooperate with us, hopefully, the Senator from Washington and I can present to the leadership a list of amendments, a time agreement for how much debate there should be, and we should get started. We ought to be able to have one or two amendments voted on before lunch. When that is agreed to, we will let Senators know. Otherwise, I would expect there to be several votes in the afternoon, and a great many votes on Wednesday.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, at Zillah High School in my home State of Washington, Jeff Charbonneau teaches science and engineering classes. Nearly half of the students in his school are struggling with poverty or come from low-income backgrounds. But despite the challenges poverty can present for students, Jeff and his colleagues engage their students and work tirelessly to help them succeed.

That dedication had paid off. Zillah High School graduates more than 95 percent of its seniors, and Jeff was named National Teacher of the Year a couple of years ago. But despite all of that success, today Jeff's school is labeled as ''failing.'' The reason: Last year, Washington State lost its waiver from No Child Left Behind requirements. That means most of the schools in my home State are listed as failing.

That is not fair to teachers like Jeff who pour their energy into making sure students can succeed. It is not fair to Washington State parents who are still facing a great deal of uncertainty about their child's school. It is not fair to students who deserve better than the current K-through-12 education law. It is time to finally fix No Child Left Behind. I am working hard to fix this broken law for teachers in my home State like Jeff.

I am working to restore certainty for parents in Washington State and across the country because they want to feel confident in the school where they send their child. I am working to make sure all students can get a quality education at our public schools no matter where they live or how they learn or how much money their parents

make. The Every Child Achieves Act is our chance to finally fix the current law.

It gives States more flexibility, while also including Federal guardrails to make sure all students have access to a quality public education. I look forward to making this good bill even better. It is why I am disappointed with the majority leader's decision last night to file cloture and move toward ending debate on the bill. We still have several important issues to address. Senator FRANKEN has an amendment to help protect LGBT students from bullying and discrimination at school.

I think it is an absolutely critical issue. When students do not feel safe at school, we have failed to provide them with the educational opportunities they deserve. I hope all of our Senate colleagues agree that we need to protect LGBT students from bullying and discrimination. We also have an amendment to expand access to high-quality early childhood education from Senator CASEY, making sure kids can start kindergarten ready to learn. It is one of the best investments we can make to help them succeed in school and later in life. I look forward to having that debate on the Senate floor.

We also need to improve accountability. Our bipartisan bill already includes some Federal guardrails to help students get access to a quality education, but there is more we can do to strengthen those measures and make sure all kids, especially our most vulnerable students, are able to learn and grow and thrive in the classroom.

So we have many issues yet to work through concluding debate on this bill. Getting this right cannot be more important for students across the country. Providing a quality education is not just good for students today, it is an investment in our future workforce, it is an investment in our future economy, and it will help our country grow stronger. Around the country, and in my home State of Washington, parents, students, teachers, and communities are looking to us to fix the No Child Left Behind law. We cannot let them down.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, first of all, before I get into my prepared remarks, I want to say thanks to Senator ALEXANDER and Senator MURRAY for their great work on this bill. I very much appreciate where we are today, and hopefully when the amendments are all done, this bill will continue to be a step forward for this country's public education system and the students who are in it.

As everybody may know in this body, I am a third-generation farmer from North Central Montana. My wife Sharla and I have the incredible opportunity of farming the same land my grandfather and grandmother homesteaded and my folks worked for 35 years. I have been working on the farm since I was very young. From the age of 8, I knew I wanted to be a farmer, but my parents were insistent that I work hard in school and that I pursue a degree, even though agriculture was in my blood.

They knew a degree would give me greater opportunity both on and off the farm. My mother, in particular, had an unbreakable faith in the power of public education. So I went to college and after college—I graduated and got a degree—I started teaching in the same elementary school I attended as a child. While my calling as a farmer pulled me away from my time as a public school teacher in rural America—now, to be honest with you, the fact is, I could make more money in 1 day processing meat than I could in a week of teaching school. But that is another problem.

Nonetheless, I left the formal public education classroom. But it remained a key part of my life because I knew education was important. My parents instilled that in me. So I ran for the school board and got elected. I have been involved in public education my entire life, as a student, as a teacher, as a parent, as a school board member, as a State senator, as a grandfather, and now as a U.S. Senator. I have seen the positive impact that good education can have on folks' lives. I have seen how our system has failed too many kids.

Last year, Denise Juneau, Montana's Superintendent of Public Instruction, put out a report on why graduation matters. Nearly 80 percent of the male inmates in Montana's prison system are high school dropouts—80 percent of the male inmates in Montana's prison system are high school dropouts. Nearly three-quarters of the women in Montana jails are high school dropouts.

Superintendent Juneau estimated that Montana could combine crime reduction savings and additional revenue of over $19 million annually if we just graduated 5 percent more kids and incarcerated fewer of them. Nationally, these stakes are just as high. According to some figures, over 80 percent of the incarcerated population is high school dropouts. It is true that over 8,000 Americans drop out of high school each and every day. We can see how quickly the cost of incarceration will add up, even if many stay out of trouble and some go back and get their GED years later.

But it is not only the question of incarceration. The only jobs left within reach of a high school dropout are almost always going to be minimum wage or close to it. That perpetuates the cycle of poverty. So every American ought to know what we are up against. I know that what we do this week with the Every Child Achieves Act will affect millions of American families for years to come.

For the past few months, the Appropriations Committee has been working on bills that impact everything from our national defense to veterans, to agriculture, to access to public lands. I have been highly critical of where this majority thinks we should spend money and where it thinks we don't need to invest. My colleagues on the Appropriations Committee deserve a lot of credit for doing the best they can, but the end result is still unacceptable.

They have underfunded care for veterans by over $850 million compared to what the VA says it needs to keep up with the increased number of veterans accessing the VA. They have rejected efforts to make Head Start a full-day, full-year learning initiative. By freezing Head Start funding, they risk kicking more than 12,000 kids out of Head Start, despite the successes I have already told you about prison populations and education. It is a direct connection.

They have cut half a billion dollars out of clean water projects. Meanwhile, they have funneled $40 billion of borrowed money into an off-the-books account used for overseas military operations. This week, as we work to reform elementary and secondary education to ensure that our kids and our grandkids are prepared for the challenges of this worldwide economy in which we live, we simply cannot afford to shortchange their future.

That doesn't just mean providing the framework that will guide our Nation's 100,000 school districts as they work to improve education that our students receive, it also means letting them make decisions for themselves. If schools are not teaching well, they are accountable to school boards. If school boards are hiring bad teachers or misapplying resources, they are accountable to their voters. I can tell you as a former school board member, they are accountable to their voters.

But we also have to provide them with the resources they need to succeed. This is an investment we must make. Almost everyone in this body agrees that education is the single best investment we can make to ensure that folks are able to climb the economic ladder and get out of poverty. While I do not agree with everything in the Every Child Achieves Act, I can tell you it is certainly a step in the right direction.

Most importantly—most importantly—this bill eliminates adequate yearly progress known as AYP and moves us away from some of the failed high-stakes testing we have come to know. The chairman and ranking member need to be applauded for that. No Child Left Behind assumed that all students were the same and that success in the classroom meant passing a standardized test. We all know that is simply not the case. No Child Left Behind aimed to hold teachers and administrators solely responsible for the performance of their students, and punishment for low performance was rendered in the halls of the Department of Education here in Washington, DC.

Well, yes, I can tell you teachers and administrators must be held accountable, but much of that achievement gap is tied to things out of the hands of those teachers and administrators. It is tied to what happens outside the classroom.

Students' lives both inside the classroom and out are significantly different depending on their community and the home in which they live.

One of the single biggest factors that impact students' lives is poverty. If we do not address that issue, then this well-intentioned bill will not have the desired effects. If we do not recognize that urban poverty and rural poverty are very different, then we will fail to keep the promise that in America, any kid can grow up to be in the U.S. Senate or be successful in business or in the arts. Quite simply, if we are going to hold teachers and students accountable without addressing the root of some of the inequities in our public schools, then we are not addressing one of the most basic problems our Nation and our schools face.

Using a single formula to grade the Nation's 100,000 schools didn't work, especially when folks in Washington expected schools to change overnight. That expectation added so much pressure to perform that students and teachers alike dreaded going to school. We lost a lot of good teachers.

This bill, resulting from the hard work of Senator ALEXANDER and Senator MURRAY, acknowledges that Washington doesn't have all the answers when it comes to educating our kids. It puts more control in the hands of our States and local school boards.

For example, under No Child Left Behind, all 100,000 schools in this country were subjected to the same regulation for graduation rates. Under that regulation, schools can only count students who graduate with a diploma in 4 years. School districts don't get credit for students who graduate in 5 years or if they earned a GED.

Oftentimes, students who take more than 4 years to graduate have personal or family issues that prevent them from graduating on time. States would have to beg for permission from the Department of Education to count fifth-year graduates, and if the Department chose to accept those graduates, it would tell the States how much weight those students would count toward the schools' assessment. Under the Every Child Achieves Act, States will no longer have to apply to count fifth-year graduates and they can determine on their own how to weigh those students when assessing graduation rates.

This bill also builds on the Schools of Promise Initiative that has worked well in Montana to put some of our poorest performing schools on the right path. Under the leadership of Superintendent Juneau, the communities that are home to Montana's five lowest rated public schools have received support to attract and retain better teachers and to encourage community members to be more involved in the education of our children. That model, which empowers districts and schools to get better—and hire better—is being strengthened by the Every Child Achieves Act.

While this bill can and should go further to place more power at the local level, we have taken a good first step in its potential to do even better.

I recently paid a visit to Busby, MT, on the border of the Northern Cheyenne and Crow Indian Reservations. Beautiful country surrounded by rolling hills, Busby is so small that if you blink while driving, you could miss it. Busby is home to one of Montana's three Bureau of Indian Education schools. It is easy to see how broken America's promise to our tribal communities really is when one goes to Busby. The school has too few resources. The science teacher doesn't have any working microscopes. The teachers often cut pages out of their instruction manuals and make photocopies for each of their students. And the school needs maintenance.

While the scene at many BIE schools would drive you to tears, the public schools that educate over 90 percent of our Native American students are also in serious need of support. Over the last decade, Native American students are the only group—they are the only group—who has not seen improvements in reading and math. In fact, the achievement gap in math has actually widened during that time. Native American students are also the most likely to skip school or drop out and the least likely to go to college.

That is why last week the Senate passed my amendment to restore four grant programs that could help improve education in Indian Country, if they get funded. My amendment allows schools and colleges to train teachers to understand Native American culture so they are better equipped to help those Native American students succeed. It preserves fellowship programs for Native American students to get greater hands-on experience through their degree. It protects gifted and talented programs to better address the needs of bright young Native American students, and it maintains support for adult literacy and GED programs in Native American communities. Those title VII initiatives have never been funded, but they will have a major, positive impact on Native Americans across the country if we can find the money to fund them. Last week's bipartisan vote showed there is real support for these initiatives, and we should provide them with adequate resources.

Additionally, this bill includes strong steps toward improving native language instruction. It is a very good initiative because we know that when Indian kids learn in their native language, they do better in school and carry their history and tradition on to future generations, and they graduate at a higher rate.

Another important step we can take—one that I hear about often when meeting with parents, teachers, and administrators back home—is reducing the annual Federal testing requirement because right now, under No Child Left Behind, we are testing our kids to death. As my colleagues know, a student will take 17 federally mandated tests by the time they graduate high school—17.

I met with some fourth and sixth grade students, as well as their teachers and parents, about how much testing the Feds require. As my colleagues well know, fourth and sixth grade students usually tell it like it is. There is not a political agenda behind it when they ask a question or tell it the way they see it. So when I asked how much testing is the right amount, one bright young girl replied, ''I don't know, but I can tell you now it is too much.'' A fourth grade teacher there told me they are spending over 4 weeks a year testing. That is 4 weeks out of the year. That takes away from instruction time where kids could be learning. The level of testing that is currently required is choking out creativity, innovation, and taking away from our students' ability to learn.

I have offered an amendment to replace that current annual testing with fewer tests. Instead of taking federally mandated tests every year, students would be required to take one test in elementary school, one test in middle school, and one test in high school. If States want to test their students more, they can. If school boards want to test their students more, they can. But, as the young girl in Billings said, what we are doing right now is too much.

My goal and the goal of many in this body is to give a greater voice to the State and local community leaders to determine how best to educate the next generation. This bill as drafted puts us on that path. It is a chance to leave a better future for our country by making sure that every child—from the best school in the big city to the poorest Indian reservation in Montana—has a chance to succeed.

Our schools should not be designed as data warehouses where we can collect statistics on every student in America. Instead, we should be making sure our students love to learn so that they continue to learn even after they graduate and enter the workforce. We should make sure they have the same appreciation for education my mother did. That is what we should be investing in, and that is whom we should be investing for.

I once again thank Senator ALEXANDER and Senator MURRAY for their work on this bill. I look forward to making this bill better through the amendment process—not worse—so that hopefully we have a good bill to vote on at the end of this week.

I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2132

Mr. SCOTT. Mr. President, I rise today regarding my amendment No. 2132, specifically targeting an opportunity to improve education for those kids attending title I schools. This is a portability amendment.

As we debate this Education bill, we must ensure our focus is in the right place. Education policy is not about protecting a bureaucracy, it should not be about empowering Washington, and it cannot be about an endless, fruitless push for some sort of one-size-fits-all type of system. This conversation must be about kids—5-year-olds and 15-year-olds—and their unlimited potential.

I believe without question that each and every child has within them a reservoir of potential. We should make sure that the access to experiencing the fullness of their potential is available to all Americans throughout this country. Too many of our Nation's children today do not have access to quality education. They don't have access to the education they deserve.

Now, more than half of the students in our Nation's public schools come from low-income households. This is an important point. As someone who grew up in poverty, as someone who grew up in a single-parent household, I know full well the challenges that come with poverty. Poor kids too often move a lot. By the time I was in the fifth grade, I had attended four different schools—four schools in my first 5 years of education. That is 4 different administrators, 4 different sets of teachers, 4 different funding streams—probably 40 different funding streams. So when we look at this through the eyes of a poor kid or if we look at this through the eyes of a single mother who is struggling simply to make ends meet, it seems very clear to me that providing more educational options is the right path forward for us to make sure every child everywhere experiences their full potential.

Giving States the ability to provide portability for the title I dollars—school choice for those most in need—is the kind of reform our kids deserve. It is the kind of reform they need. I don't care whether it is public, private, charter, virtual, home school; I don't really care what option as long as we have all the options so that the parents find the best for their kids.

Instead of forcing funds through red-tape and bureaucracy, let's have it directly follow our students. We are not talking about all the school funding this amazing Nation provides—somewhere around $700 billion of funding for schools. We are talking about a sliver—about 14 percent. Let that 14 percent of the Federal dollars—let those dollars be portable. Give the children in title I areas the greatest opportunity for success we know as a nation.

We all understand and appreciate the fact that to achieve the American dream today, it requires a quality education. By backpacking those funds, we will help kids who are like I used to be—growing up in difficult circumstances—to look into their own future with hope, understanding that opportunity lives and breathes everywhere in America.

We are seeing what happens when the majority of parents simply do not have those basic options, and we are seeing it in some challenging and stunning statistics. In 2010, there were 2.8 million high school dropouts between the ages of 16 and 24. The unemployment rate in America today is around 5.2 percent, but for those kids who dropped out, the unemployment rate is 29 percent, and nearly 36 percent—more than a third of those students—were not participating at all in the workforce. Taken as a whole, nearly two-thirds of all high school dropouts are simply not working. These are devastating numbers for our Nation as a whole. No matter where one lives in America, one is impacted by these statistics, and they should cause us to stand up and take notice.

These are students who deserve better, students who just need a little confidence in their abilities, and we can provide that through school choice. These kids, trapped in failing schools and underperforming schools, deserve an opportunity. It is simply not fair to our children, it is not fair to their parents, and it is not fair to America to allow the status quo to remain.

I know there is no silver bullet, but school choice is a large step—a leap—in the right direction. That is one of the reasons why I launched my Opportunity Agenda with school choice, the CHOICE Act, as a part of the foundation. That is why I am standing here today discussing—pleading with my colleagues to take a serious look at the educational opportunities available in some of the poorest ZIP Codes in America.

I think it is important to note that my amendment complements a growing body of evidence where we see 57 school choice programs in 29 States—57 school choice programs in 29 States—not in the South primarily, but in the South, yes; the Southwest, yes; the Northeast, absolutely; and the Midwest, yes. Local and State leaders are figuring out that when parents have a choice, kids have a chance.

Let me be crystal clear. It is absolutely paramount that we act and that we act now. I know opponents of school choice want to use ''voucher'' as a dirty word. I understand the tactics of those who do not support giving every child a quality opportunity. I understand. But they forget that the Federal Government already authorizes vouchers for education. We just call them Pell grants. Too often too many of our poor kids and our kids of color never receive a Pell grant because their high schools did not prepare them for college.

Now we know there are quality public schools all over this country, and we should celebrate the success of our quality public schools. I am a big fan of our public schools when they work, but I am a bigger fan of removing the potential traps to our kids in underperforming schools.

We can make a difference, we should make a difference, and this amendment provides us the opportunity to make that difference today. We don't have to wait until tomorrow. We don't have to wait until next year. We can do it today. You see, this Senator took a Pell grant to Charleston Southern University, probably the greatest university in the history of the country. Charleston Southern University, a private university, is where I took my Pell grant and experienced a wonderful education.

Faith and hope are two of the most powerful and necessary emotions. They oftentimes serve as the glue to better opportunity. We can restore those two powerful emotions in areas where kids too often are losing hope. This Senator knows that personally. This Senator has seen it happen personally in his own life. That is the power of school choice.

All of our kids—yes, all of our kids—have amazing potential. I believe there are good people on the other side of this argument. I know the other side believes school choice, as I am describing it, is wrong. I believe they have good intentions. This Senator is speaking from personal experience. This Senator is speaking from the statistical realities that we see across this country. This Senator is speaking on behalf of those kids who have been trapped too long, locked out too often, and said no to too many times. It is up to us as policymakers to create an environment where we unlock their potential.

I hope we will continue to have a robust debate, leaving politics behind and figuring out how to improve educational opportunities for all of our children.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMERICAN WORKERS AND OVERTIME PAY

Ms. WARREN. Mr. President, American workers have fought long and hard to improve their lot—banning child labor, better safety on the job, minimum wage, and an 8-hour workday. Unions often led these fights, but their efforts also helped tens of millions of workers who often had no union representation.

In 1868, Congress passed its first 8-hour workday law, and by 1975 rules protecting the 8-hour workday covered about 65 percent of all workers. Of course, those workers might work longer—might be required to work longer—but if they did, they got time and a half for their extra hours. Managers were exempt from those rules, but they were paid more to offset the lost overtime.

To be sure, American workers did their part too. Year over year, decade over decade, workers increased output so that today American workers are among the most productive in the

world. The basic 8-hour day, with overtime for extra hours, was a godsend to families, and, in a larger sense, it was a core part of the deal that American workers could count on. From the 1930s through the 1970s, as American workers' productivity increased, GDP went up and so did wages for the average worker. In other words, as companies got richer, their workers got richer too. This was the America that built the great middle class, the America that created opportunity and protected that opportunity for nearly two-thirds of all workers.

But over time, that basic deal quietly vanished because we haven't meaningfully updated these rules since the 1970s. Instead of two-thirds of the workforce being protected, today only 8 percent of all salaried workers are covered. That means that only the lowest paid workers, workers whose salaries are so low that they are below the poverty line for a family of four, are legally entitled to be paid anything for their overtime. Today, a fast-food worker or a janitor or a grocery store clerk making a little over $23,000 can be classified as a manager and be required to work 10, 12, 14 hours a day, 5, 6 or 7 days a week, with no overtime pay of any kind.

Today, the productivity of American workers continues to rise, but the gains go to Wall Street and to CEOs and are no longer shared with the people doing much of the back-breaking work to make it all happen. That is a broken system.

Two weeks ago, the President announced he is going to fix these broken overtime rules. The administration's new proposal would raise the salary threshold under which a worker is guaranteed overtime pay to just over $50,000, more than double the current threshold and roughly back to the 1975 level, when both corporations and workers benefited from a growing economy.

This matters. According to the White House, nearly 5 million Americans—including over 100,000 people in Massachusetts alone—will get a raise. They estimate that workers will see an additional $1.4 billion in wages in just the first year alone.

But make no mistake, it will be a fight. Some businesses are used to getting an extra 5, 10, 20 hours for free from their employees—and they are just fine keeping the rules just the way they are. They will claim that fixing overtime will hurt businesses. Well, don't believe it. History shows that increases in overtime pay are actually good for the economy.

Employers usually respond to increases in the overtime threshold in one of three ways. Some will actually pay existing employees overtime for the extra work. Others will avoid overtime costs by hiring more workers to get the job done, and some will increase the hours of part-time workers. That is what we are likely to get: higher wages, more jobs or more hours for part-time workers. Even the National Retail Federation, which has lobbied hard against fixing the overtime rules, admits this proposal will add tens of thousands of jobs to this economy. We need those jobs.

But this issue is about more than jobs. This issue is also about fairness. If a worker puts in more time and produces more for the company, the worker should get a chance to share in its benefit. No more free work. Economic growth over the past three decades has been built on the backs of hard-working people, and it is time those hard-working people get a little bit more of all they have produced.

Fixing our outdated overtime rules will not end inequality. It is time to raise the minimum wage. Women should get equal pay for equal work. Workers deserve paid sick leave and paid family leave. Social Security should be expanded. But this is an important step forward, a vital piece of the puzzle that will increase wages, increase hours, and increase employment for millions of Americans, and it is a step that will show that the government can be made to help working people. There are plenty of examples of Washington writing rules that favor the rich and the powerful, but this time we have an overtime rule that will give working families a fighting chance to build some security for themselves. The President has proposed a new rule to benefit working families, and the rest of us are here today ready to fight for that rule.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, we are continuing our discussion of legislation to fix No Child Left Behind. We are still hopeful that we may have an agreement that we will have one or two votes before lunch.

I remind Senators that because of their cooperation we have done pretty well. We have adopted 29 amendments in committee, 22 already on the floor. Senator MURRAY and I have a large number of other amendments that we are prepared to recommend to the full Senate be adopted by consent. We have about two dozen amendments which we would like to have a vote on today and tomorrow. So the sooner we can move to those, the better, which will take some cooperation from all Senators.

Senator TESTER, the Senator from Montana, was here earlier. I thank him for his comments. He is a former school board member. He recognizes that the idea that we want to restore responsibility for student achievement to local school boards, to classroom teachers, to States, to chief State school officers is not just a Republican idea, it is a bipartisan consensus. We agree. We want to know whether the children are learning, but we want to restore to the States the decisions about what to do about the results of the tests the students take.

As the New York Principal of the Year wrote to us, wrote to our committee: We cherish our children, too. What she was saying was just because we fly to Washington once a week doesn't make us any more caring or any wiser about how to deal with 50 million children in 100,000 public schools from Native villages in Alaska to the mountains of Tennessee. In fact, we are less able to deal with that because we are further removed from those students.

The Senator from South Carolina, Mr. SCOTT, made that point eloquently. He said school choice is not a political slogan, school choice is an option, and we should look at it from the point of view of someone who is low-income or someone who is growing up in a home with a single parent, which he did. He talked from his own perspective. We shouldn't look down, we should be looking up. Look up at opportunity. Look up to the point of view of a single parent with less income and one or more children who is thinking: How can I help my children rise? How can they look up? Probably the one thing that almost all of us would agree on is, the better the educational opportunity is, the more chance that child has to climb the ladder.

If you have money in your family, you have those choices. You may move to a different part of town or you may choose a private school if you have the money. If you don't have the money, you don't have the choices. So what Senator SCOTT proposes to do is to take $14 billion of Federal funding and allow States—this is not a mandate on the State; this will be up to the State—to say that money can follow the low-income child to the school the child's parent wants that child to attend, public or private.

There is often a lot of talk about what is the proper Federal role for education. Some people don't think there is any. I was in that camp and probably still would be if I were the king. I remember going to see President Reagan in the early 1980s and suggesting that the Federal Government get completely out of elementary and secondary education and let the States do it all. In exchange, the Federal Government would take all of Medicaid. That would have been a good swap for the States, and it would have been good for education. But that is not where we are as a country today.

But if someone were to say what is the single reason why the Federal Government ought to have something to do with education, one answer would be to prevent discrimination, and another answer would be to help low-income children.

What is the best way to help the low-income child? This is what the Senator from South Carolina is saying: Why don't we take the money we have available, and let it follow that child to the school that the child's parent thinks is best? That is what we allow the wealthier parent to do. Why don't we

do it for the child? Why do we send it through bureaucracies and let other people make that decision? Why do we look down when, instead, we should be looking up?

As he also pointed out, it is not such an alien thought—this idea of letting money follow a student to a school. He pointed out that since 1944, with the GI bill for veterans, we have had great success in this country with allowing Federal dollars to follow students to the college of their choice.

In fact, the GI bill for veterans is often described as the most successful social piece of legislation in our country's history. It helped to create the ''greatest generation.'' It said you could take your Pell grant or your student loan to Notre Dame, to the University of Arizona, to Maryville College in Tennessee or you can go to Yeshiva, you can go to Howard University. That is your choice. Public, for-profit or nonprofit, you go. If it is accredited, that is your choice.

We also have vouchers, and that is a voucher at the other end of the scale. We have something called the child care and development block grant. It is a very big Federal program, maybe $8 billion. It says to low-income mothers—mainly mothers—that here is a voucher that you could spend at a daycare center while you work or while you go to school so that you can earn enough money so that you won't have to have a government voucher anymore.

So we have vouchers for parents with 3-, 4-, 5-, and 6-year olds. We have vouchers for students who are 18, 19, and 21 years olds, and somehow we think there is something wrong with having vouchers for elementary and high school students. That line is changing all the time.

I was in Jackson, TN, recently, and the president of Jackson State Community College told me that 30 percent of the students at Jackson State Community College are also in high school. We call that dual enrollment. That means that while you are a junior or a senior in high school, you might be taking physics, mathematics or some program at the community college or some apprenticeship there that might better prepare you for a job.

At Walters State Community College in Morristown, TN, I spoke at the graduation this year. A student there was graduating from Jefferson County High School and Walters State Community College in the same week. That student was going on to Purdue University, but he was going to enter Purdue at the second semester of his sophomore year. In other words, because he had been in both community college and in high school, he was able to save, he said, $65,000 by enrolling in the second semester of the sophomore year.

So we have a voucher to help him pay, if he is low income, to go to Walters State Community College, but somehow there is something wrong with a voucher to allow him to choose among the public high schools he attends. That doesn't make a lot of sense based on our history. It would be rare that we have a social experiment or a social legislation offered in our country where we have these two good pilot programs: the GI bill for veterans, operating since 1944, and the child care and development block grant, operating since the first President Bush was in office and which was reauthorized just last year by Congress.

We all vote for Pell grant vouchers. We all vote for child care and development block grant vouchers, and then we have a big argument when it comes time to talk about vouchers for elementary and secondary education. I think a way to resolve that is to take Senator SCOTT's advice. Instead of looking down on the students, let's look up. Let's look up from the perspective of Senator SCOTT—the Senator from South Carolina—when he was a child, when he was growing up in a home without much money, with a single parent, with limited educational options.

He knows the value and option that a Pell grant gave him for college. He would like to extend that option to elementary and secondary education for students who grow up as he grew up, and I would like to do that as well. We have an opportunity to do that by voting for his amendment when it comes time for a vote on this bill. I intend to vote yes, and I hope my colleagues will too.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FLAKE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent to set aside the pending amendment and call up Casey amendment No. 2152, the Strong Start for America's Children Act, an amendment to the Every Child Achieves Act, which will establish a Federal-State partnership to provide access to high-quality public prekindergarten education for low- and moderate-income families.

Mr. President, I ask unanimous consent, as well, to add Senators TESTER, REED of Rhode Island, KLOBUCHAR, and MERKLEY as cosponsors.

The PRESIDING OFFICER. Is there objection to adding the cosponsors?

Mr. ALEXANDER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. ALEXANDER. Mr. President, reserving the right to object, this is a very important amendment that was thoroughly discussed in the education committee when we considered this legislation.

Both Senator MURRAY and I believe it should be offered on the floor and that Senators should have a chance to vote on it.

The trouble is that the Finance Committee objects to the way it is paid for. And in a moment, on behalf of the chairman, Senator HATCH, the Senator from Utah, I will have to object.

But my hope would be that the Senator from Pennsylvania, who is a member of that committee, could work with the chairman and the ranking member to come up with a different way of paying for the bill so that Senators would have a chance to vote on this important amendment today or tomorrow.

So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CASEY. Mr. President, by way of response, I understand what my colleague from Tennessee just mentioned as it relates to the objection to the so-called pay-for. I don't agree, obviously, for a couple of reasons.

No. 1 is I would hope that corporations that get the benefit of retaining a lot of operations in the United States and then seek to avoid taxes by so-called inversion would understand, I believe, the duty they have to this country. They benefit from our workers, our infrastructure. They benefit in so many ways. I would hope those companies would understand and Senators here would agree with the notion that they should undertake the duty to pay their fair share. I understand there is a debate about that. I understand there is an objection, but I would hope at some point we can get to the resolution of this basic question: Are we going to require companies to do more if they seek to engage in a tax-avoidance scheme by a so-called inversion?

But I respect what my colleague said, and we will try to move forward constructively.

Mr. ALEXANDER. Mr. President, I have nothing more.

Mr. CASEY. I yield to my colleague from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Thank you.

Mr. President, first I commend my friend and colleague from Pennsylvania, Senator CASEY, for his amendment, and I appreciate the discussion between him and the chair of the committee.

I think that getting rid of these inversions is very important. I am surprised people on the other side don't want to do it, but so be it. Funding this program is the most important way, and if we could come up with a bipartisan way to get the funding, that will help educate millions of America's young children, and that is why I support this amendment so strongly.

Educating our children is not a sprint, it is a marathon. No one just gets up one day and decides to run a marathon. They plan, they train, and they eat right. We can avoid the most common problems if we start our kids

out early with the right training, not just for some but for every student.

The research has shown that children who attend high-quality preschool programs are more likely to be prepared for school and graduate on time. They get better jobs. They are less likely to wind up in the criminal justice system or to rely on our social safety net. All too often in this body we do what many groups, corporations, and others in America do, we are unwilling to think of the long term. We may be spending a dollar today on this program, but we are going to save tens of dollars for each dollar we spend over the long run. All the studies show it. So having quality pre-K programs for kids who need it is a great investment in America. Yet millions of middle-class and low-income children don't have access to these programs that would provide an immense benefit to them and our country.

In short, pre-K should not be a luxury for the wealthy. Every child, no matter where they live or how much money their parents make, should be able to start their education in pre-K. It is not only for the good of them and their families but for the good of America. Senator CASEY's amendment helps us get there by helping States fund high-quality prekindergarten for 4-year-olds from low- and moderate-income families. It specifies that all preschools be inclusive of children with disabilities and addresses the need for increased funding to support their needs.

As I said, there is nothing wrong with doing inversions. Getting rid of them is the right thing to do, but if there is another way to go, I am certainly open to it, and I know Senator CASEY, our leader on this amendment, is too.

By the way, we will see where the pay-for is. It is the kind of win-win that everyone can get behind, and so I hope my colleagues will come together and fully pay for this. If we can't do it with inversions, which I think is right—and I believe most Americans would think closing the inversion loophole is right—let's find something else.

In New York, there are cities and communities that are already making the investment to ensure access to pre-K for their children. It is working. But at a time when budgets are tight, they shouldn't have to do it alone. Under this amendment, New York will receive the support it needs to serve an additional 137,000 kids over 5 years. States across the country would be able to help a similar number of their schoolchildren, all without costing the Federal Government a single plug nickel.

As we debate how to best ensure students graduate ready for college or careers, we are doing a disservice if we ignore the need to invest in early education.

I thank my friend Senator CASEY for offering this amendment. I urge my colleagues to vote on it in the original form. Stand up against these inversions, but if that vote fails, to have a different proposal would be a good thing to do, although I think we should have a vote on this particular amendment first.

Mr. President, I would like to speak for a moment, with the indulgence of my colleagues, on the title I cuts and the amendment Senator BURR has offered with respect to title I funding, which of course provides assistance to low-income districts and schools that educate a high number of low-income children.

We cannot forget that title I is the largest source of Federal education funding and applies to a wide swath of school districts and includes many suburban and middle-class communities as well as school districts in our cities where poverty is concentrated. You might say: Well, this only affects the poor. It doesn't. If a school is going to lose its title I funding, they may have to do it and spend the money on their own and take away from science or afterschool programs or sports or something else. It affects everybody. Even though title I, since the days of Lyndon Johnson, was aimed at poor kids, it is going to hurt everybody if we make the kind of drastic cuts in so many school districts that the Senator from North Carolina has proposed.

What Senator BURR's amendment would do would not increase funding, which is what we usually do around here when we want to try to change formulas, as we should. He simply robs Peter to pay Paul. He takes away money from a needy school in one State to give to a needy school in another State.

According to the Congressional Research Service, over 9,600 school districts across the country will lose title I funding under this amendment. These schools count on title I funds year in, year out. They budget for it, and without the funding, they could be forced to lay off teachers, cut afterschool programs, and make other dramatic cuts. So it is no answer. Redistributing a limited pie is no way to make Federal policy.

One of my disappointments with this bill is that every American supports increased funding in education, particularly in things like title I. The bill doesn't do it.

At a time when America is competing against China, Japan, Europe, and the world, we are saying we shouldn't help with education, which is the ladder up for so many millions of American families, but we are not. But then to say, while keeping the funding flat, we should take huge amounts of money—$300 million from my State—and give it to other States to help the poor, when in fact it doesn't even require that that money goes to the needy, that doesn't make much sense, in my opinion, and that is not the way to legislate.

We should have a real conversation about our Federal investment in education, one that recognizes that all of our school districts with low-income student populations would benefit from additional resources, one in which my colleagues across the aisle are fond of saying, in a different context, we are not picking winners and losers. I think we would agree that all of our low-income school districts need and deserve extra help.

In conclusion, education is the cornerstone of the American dream. We have to keep that American dream alive, and there is no better way than in funding education. I know my colleagues believe that.

I hope everyone will join us across the aisle in opposing Senator BURR's amendment to change the title I formula without increased Federal support for our schools.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from New York for his remarks. I know how passionately he feels about the amendment by the Senator from North Carolina. He has made that clear to me on more than one occasion, and my hope is that the Senator from New York and the Senator from North Carolina will have a successful resolution of that difference of opinion in the next day or two. I know Senator MURRAY and I will be glad to work with them to try to do that, but I hear him loud and clear, and I appreciate him coming to the floor and making those statements.

Mr. SCHUMER. If the Senator will yield.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague from Tennessee, and I know how much he cares about both this bill and education. I look forward to making this bill as good a bill as we possibly can make it, and so I am always open to any suggestion he might make.

The PRESIDING OFFICER. The Senator from New York.

Mr. ALEXANDER. Mr. President, I thank the Senator from New York. He has not been on the floor in the past at the beginning of the day when I thanked both the majority leader and Democratic leader for their attitude toward this bill. While it is probably not noticed by people around the country, it is noticed here.

The Democratic leader and the Democratic leadership, which the Senator from New York is a part of, allowed this bill to come to the floor without any delay. We have had a chance to offer and consider a lot of amendments. We have already considered and adopted 22 on the floor.

Senator MURRAY and I have several dozen or more that we will recommend to the full Senate to be adopted, and we have about two dozen other amendments that we would like to begin voting on soon. We seem to be moving along. Senators are cooperating.

There have been some developments this morning that are encouraging, and I hope to be able, within the next few

minutes, to announce that we will have a few votes—one to four votes—before lunch and that we will have more votes at 4 p.m., but I am not able to make that agreement yet. For the information of Senators, that is our hope. Then, tomorrow, if we continue on this path, we will have a large number of votes.

I thank the Senators for their cooperation.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I have just a point of clarification. I may have said amendment No. 215-something, it is amendment No. 2152.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise again in support of my sanctuary cities amendment and to urge us to come together around sensible legislation that will stop jurisdictions around the country from opposing and not following what is already Federal law.

As the Presiding Officer knows, Federal law is very clear. It says deportation and immigration enforcement is a Federal responsibility, but local law enforcement authorities need to properly cooperate with Federal authorities regarding that. It doesn't mean they need to take it over or take on huge burdens or unfunded mandates. It does mean they need to properly cooperate with Federal authorities.

Well, for several years, as the Presiding Officer knows, there have been hundreds, if not thousands, of so-called sanctuary cities in other jurisdictions around the country that have a formal policy that is completely at odds with that. These policies in various jurisdictions, such as the city of San Francisco, say straight out: We are not going to cooperate in any meaningful way with Federal immigration enforcement. I think that is flatout ridiculous, and tragically it leads to dangerous situations and horrible results. We saw one of those dangerous situations and horrible results just in the last few weeks with the murder of a completely innocent woman in San Francisco by an illegal alien who had been convicted of felonies seven times, deported five times, and released onto the streets of San Francisco, in part, because of San Francisco's sanctuary city policy.

This absurdness—political correctness gone haywire—is to the detriment and danger of American citizens, and it has to end. That is why several years ago I brought legislation to the Senate, beginning in 2009, to put teeth in what is already Federal law. My legislation will ensure that there are consequences when jurisdictions, such as San Francisco, don't properly cooperate with Federal authorities over immigration enforcement. Unfortunately, that has been blocked and blocked and blocked in the Senate.

I brought the same proposal as an amendment to the education bill that is on the floor now to revisit this issue and to urge us to come together around sound, sensible policy that ends sanctuary cities flaunting Federal law and creating very dangerous situations. I urge my colleagues to come around to a commonsense solution to that.

I have fully cooperated with Senator ALEXANDER, who has been the floor leader on this important education bill. As part of that, I agreed not to demand a vote on that amendment on the floor this week if our Judiciary Committee, the appropriate committee of jurisdiction, takes up the issue in a timely way—we reached that agreement yesterday with Senator GRASSLEY, the chair of the Judiciary Committee—and that a Vitter bill on this topic would be taken up appropriately at a markup of the Judiciary Committee this work period.

Well, that is certainly progress, and so let's use this opportunity to make real progress and end sanctuary cities flaunting Federal law and not properly cooperating with immigration enforcement. Let's come together around a strong, meaningful bill that doesn't allow that, that puts consequences and teeth in present Federal law that says local law enforcement has to properly cooperate with Federal immigration enforcement.

I very much look forward to doing that in the Judiciary Committee—the committee of jurisdiction—thanks to the work of Senator ALEXANDER and the agreement of Senator GRASSLEY to take up this measure to work with me and have a markup this work period.

I very much look forward to that being a very constructive path forward. If for any reason it is not, I will certainly be back. I will certainly be back directly on the floor in the context of the highway bill or some other significant piece of legislation because we can't allow this ridiculous political correctness to continue to create truly dangerous situations in communities all over the country.

Federal law requires local law enforcement to properly cooperate with Federal immigration enforcement. The problem is there are no teeth in that law, and that law is ignored and flaunted all the time by many jurisdictions which advertise and brag about their so-called sanctuary city policy and they will not cooperate with Federal immigration enforcement in any way. Really? A seven-time convicted felon, five times deported from the country. And once he was back in, still released onto the streets of San Francisco to commit murder? Really? That is really going to be your policy? If it is, is it really going to be our response that we do absolutely nothing about it?

I urge appropriate action. I urge us to come together around commonsense change and reform to end this all-too-pervasive practice. I look forward to starting that very constructive path forward in the Judiciary Committee with the markup of the Vitter bill, and I am already working with Senator GRASSLEY and his staff in this work period.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I wish to say to the Senator of Louisiana two things:

First, I understand his passion on this issue. I have heard him speak about it. He talked to us last week about how best to express that on the Senate floor. There are a number of Senators who share his view on that. He is a member of the Judiciary Committee. We will have an opportunity to deal with it when the committee does work next week.

Second, I would like to say to him through the Chair that I greatly appreciate the way he has handled this. He not only gave us advance notice of his interest in this amendment last week, he has worked in the Judiciary Committee to find a way to move ahead on his interest without interfering with the progress of our bill to fix No Child Left Behind. I am not surprised by that because he has made a major contribution to the bill to fix No Child Left Behind. Specifically, we have adopted his language or some of his language that would end the common core mandate and stop Washington, DC, from telling Louisiana, Arizona, Tennessee, and Washington State what their academic standards have to be. If a State wants to have an academic standard, it can have it; if it doesn't want it, it doesn't have to have that particular standard.

The fact that the Senator has been willing to say that this is a very important issue and that he will work with Senator GRASSLEY in the Judiciary Committee and pursue it there leaves us free to move ahead on fixing No Child Left Behind, which is important to his State as well as to all other States. I greatly appreciate the way he has handled that and thank him for doing that.

We are still hoping to consider three or four amendments and perhaps have one rollcall vote before lunch, but we will know more about that in the next few minutes.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, as we continue to debate this bipartisan bill to fix the badly broken No Child Left Behind law, I want to take a step back to lay out why this is so important.

First of all, the idea of a strong public education for all children is part of who we are as a nation. It is sewn into the fabric of America.

Providing quality education is also an economic imperative. When all of

our students have the chance to learn, we strengthen our future workforce, and that helps our country grow stronger. And we empower the next generation of Americans to lead the world. Education is like insurance for our Nation's future economic competitiveness in the years to come. It opens more opportunities for more students, and it helps our economy grow from the middle out, not the top down.

One of the best ways I believe we can strengthen our education system is by making sure more students start kindergarten ready to learn. As we work to fix No Child Left Behind, we also have the opportunity to expand access to high-quality early childhood education and set students on a path toward success.

I am very proud of the bipartisan early learning grants we secured in the base of this bill. I think we should continue to build on that bipartisan progress to make sure more students have access to high-quality early learning programs. That is exactly what Senator CASEY's amendment would do. I urge my colleagues to support it.

First of all, it is important to understand why early learning is essential. Learning begins at birth. Research suggests that before children set foot in kindergarten, they have already developed a foundation that will determine all of the learning, health, and behavior that follows. Early learning programs can strengthen that foundation so more students can start their K–12 education on strong footing.

Preschool programs can be especially important for students from low-income backgrounds. A child growing up in poverty will hear 30 million fewer words by her third birthday compared to a child from a more affluent family. That is a serious disadvantage. By the time she starts kindergarten, the deck will already be stacked against her and her future success.

Studies have confirmed both the short-term and long-term benefits of quality early learning. Children who attend preschool are less likely to repeat a grade. They are less likely to be placed in special education. They are less likely to drop out of school, depend on social safety net programs, or commit a crime. And they are more likely to go to college and earn higher wages. Research suggests we get back between $7 and $8 for every dollar we invest in high-quality preschool programs.

Simply put, early learning is one of the smartest investments we can make for our families, our children, and our country. But today just 14 percent of our 3-year-olds in America are enrolled in Federal- or State-funded preschool programs and 41 percent of 4-year-olds are enrolled.

If we are serious about closing education gaps in grades K through 12 and if we are truly committed to making sure all students have the chance to succeed, we have to invest in quality early education.

I was pleased that during the committee debate on this bill, we were able to pass a bipartisan amendment for early childhood education. I thank my colleague Senator ISAKSON for working with me to include that in the committee markup. Throughout this process, I have appreciated the way he has worked with me on a bipartisan basis to improve the legislation before us.

Our amendment, which is now part of the base bill we are considering, would create a grant program for States that want to improve early childhood education coordination, quality, and access. The program would target resources to low- and moderate-income families. States that want to serve children from birth to the time they enter kindergarten will be eligible. It will help support the work that States like my home State of Washington are already doing to make sure more of our youngest learners have access to preschool. These grants will help States improve the quality of their early childhood system and also expand access to high-quality early learning opportunities for more children.

While I am very proud of what we have achieved in this base bill on our early childhood education, this is not the last step we need to take to improve and expand access to high-quality preschool. The grants are a step in the right direction, but we need to significantly increase investments to ensure that every child in this country starts kindergarten ready to succeed.

My colleague, the senior Senator from Pennsylvania, offered an amendment that would expand access to high-quality preschool programs. It would provide Federal funding to every State that commits to improve access to high-quality learning opportunities for all of our low- and moderate-income 4-year-olds. For the States that already meet that goal, it will help them offer preschool to 3-year-olds. This amendment would support States that don't yet have the infrastructure needed to provide preschool to all low- and moderate-income kids. With preschool development grants, these States will be able to build up their early learning systems. This amendment also provides funding for early Head Start and childcare partnerships to improve the quality of childcare for infants and toddlers through age 3 and provide funding for early learning services for young children with disabilities. Finally, his amendment recognizes the importance of the Maternal, Infant, and Early Childhood Home Visiting Program, which I helped to create to deliver voluntary parent education and family support services to parents with young children.

I am glad to say this amendment will be fully paid for by closing a wasteful corporate tax loophole. Our Tax Code is riddled with a lot of wasteful loopholes and special interest carve-outs. Far too many of these tax breaks are skewed to benefit the wealthiest Americans and biggest corporations.

Today some of my Republican colleagues objected to bringing up his amendment solely because it would close one of those corporate tax loopholes. It is disappointing that they are choosing the biggest corporations over our youngest learners.

I urge our Senate to consider this amendment. I support it because I believe investing in our youngest learners is so important for our children and their families, and it is one of the smartest investments we can make so students can start kindergarten ready to learn and succeed later in life.

I don't believe this is a partisan issue. When I talk to sheriffs in my State, they tell me the young people they bring into the police station might have chosen a better path in life had they had a stronger start in school. That is why law enforcement officials across the country want Congress to expand early learning.

Military leaders have stressed the importance of early learning investments. In fact, at a Senate hearing last year, Air Force Brig. Gen. Douglas Pierce, Retired, said: ''How we prepare our youngest kids to learn and succeed has a profound impact on our military readiness.''

Business leaders have called on Congress to support preschool programs. Why? Because they need the students of today to be able to create and take on the jobs of the 21st-century global economy.

Lawmakers from red States and blue States alike see early learning as a wise investment. Alabama, Kansas, Michigan—States with Republican Governors and Republican-controlled legislatures—have recently made stronger investments in early learning.

It is now time that the U.S. Senate catch up with what State lawmakers, business leaders, law enforcement officials, and military leaders recognize. We need to invest in early childhood education so all of our students can start school ready to learn.

The importance of early childhood education is something I have witnessed firsthand. Before I ever thought about running for office, I taught preschool in a small community in my home State of Washington. I remember that the first day with new students would always start the same way: Some kids would not even know how to hold a pencil or turn a page in a book. But over the first few months, they catch up; they learn how. They learned how to listen at story time. They learned how to line up for recess. By the time they left for kindergarten, they had basic skills so they could tackle a full curriculum in school. I have seen the kind of transformation early learning can inspire in a child.

If we are serious about strengthening our education system, we have to make sure more children have the chance to get a strong start in preschool. In reauthorizing this Education bill, we have the chance to help more students start kindergarten ready to learn.

With the amendment Senator CASEY offers, we have the opportunity to set

kids on the path toward success not just in grade school but into adulthood. We have the chance to fortify our economic competitiveness for years to come.

I urge my colleagues to support his amendment, to support this bill that already contains bipartisan early learning grants, and then take a step further and support the Casey amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I would say to the Senator that we are hoping to be able to lock in some amendments, but we are not quite ready yet. So what I might do is ask him to yield during his speech so that we can do that. I would say to the Senator through the Chair that we look forward to his remarks.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN WORKERS AND OVERTIME PAY

Mr. SCHATZ. Mr. President, I want to join my colleagues in voicing my support for President Obama's proposal to extend overtime benefits to nearly 5 million people across the country. These new rules will significantly enhance family budgets and add over $1.2 billion nationwide to workers' pockets. Once implemented, the proposal would more than double the salary threshold for overtime eligibility from the current level of $455 per week to $970 a week next year. That means employees earning an annual salary of around $50,000 or less will automatically become eligible for overtime pay. Today, the annual salary threshold for earning overtime pay is around $24,000. That is well below the poverty level for a family of four, particularly so for families in Hawaii.

The overtime salary threshold is long overdue for an update. Since 1975, it has been updated only once. Forty years ago, nearly two in three employees benefited from overtime pay—two in three. Today, it is one in nine.

I appreciate the priority this administration and especially Secretary Perez have placed on work and family issues, policies that directly impact the lives of average Americans.

According to the Department of Labor, approximately 20,000 workers in Hawaii would become eligible for overtime pay with this rule change.

By increasing the overtime salary threshold, current employees would be able to earn more money and employers could hire more workers, creating more jobs for our economy.

Housing, transportation, and food costs in Hawaii have made Hawaii one of the most expensive places to live in the country. The high cost of living requires a large percentage of people in Hawaii to work more than one job. The new overtime rules could allow workers to make a liveable wage with one job. If a worker is able to live without a need for a second or third job, it creates more employment opportunities for individuals struggling with unemployment or underemployment to find work.

The potential change in overtime rules can offer more than financial benefit to Americans. If a business does not want to pay overtime, the employees' hours would be limited to 40 hours a week. Since they are salaried and not paid by the hour, they would have more time off with no loss of pay. This would allow individuals to better balance their work and family obligations and give them the opportunity to spend more time with their family, a chance to volunteer in their community, or perhaps further their education.

The new rules will be subject to a 60-day public comment period. I encourage my constituents from Hawaii to let their voice be heard.

This change in overtime rules is appropriate and will help to lift our national and state economy, offer families more choices, and foster greater fairness in the workplace.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. For the information of Senators, I am about to ask for unanimous consent—which I expect to receive—to have two rollcall votes and two voice votes before lunch. So I now will do that.

I ask unanimous consent that at 12:10 p.m. the Senate vote in relation to the following amendments: Scott No. 2132, Booker No. 2169, Portman No. 2137, Bennet No. 2159; further, that at 4 p.m. today the Senate vote in relation to the following amendments: Isakson No. 2194, Bennet No. 2210, Lee No. 2162, and Franken No. 2093; with no second-degree amendments in order to any of the amendments prior to the votes; that there be 2 minutes equally divided prior to each vote, with 4 minutes prior to the vote on the Franken amendment, and that all after the first vote be 10-minute votes; that the Scott and Franken amendments be subject to a 60-affirmative-vote threshold for adoption and that it be in order to call up any amendments in the list not currently pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2169, 2159, AND 2210 TO AMENDMENT NO. 2089

Mr. BENNET. Mr. President, I ask to set aside the pending amendment and call up the following amendments en bloc: on behalf of Senator BOOKER, amendment No. 2169; Bennet amendment No. 2159; and Bennet amendment No. 2210.

The PRESIDING OFFICER. The clerk will report the amendments by number.

The senior assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BENNET] proposes amendments numbered 2169, 2159, and 2210 to amendment No. 2089.

The amendments are as follows:

AMENDMENT NO. 2169

(Purpose: To require a State's report card to include information on the graduation rates of homeless children and children in foster care)

On page 76, line 13, insert ''and for purposes of subclause (II), homeless status and status as a child in foster care,'' after ''(b)(3)(A),''.

AMENDMENT NO. 2159

(Purpose: To amend title IV regarding family engagement in education programs)

(The amendment is printed in the RECORD of July 8, 2015, under ''Text of Amendments.'')

AMENDMENT NO. 2210

(Purpose: To require States to establish a limit on the aggregate amount of time spent on assessments)

On page 52, between lines 9 and 10, insert the following:

''(L) LIMITATION ON ASSESSMENT TIME.—

''(i) IN GENERAL.—As a condition of receiving an allocation under this part for any fiscal year, each State shall—

''(I) set a limit on the aggregate amount of time devoted to the administration of assessments (including assessments adopted pursuant to this subsection, other assessments required by the State, and assessments required districtwide by the local educational agency) for each grade, expressed as a percentage of annual instructional hours; and

''(II) ensure that each local educational agency in the State will notify the parents of each student attending any school in the local educational agency, on an annual basis, whenever the limitation described in subclause (I) is exceeded.

''(ii) CHILDREN WITH DISABILITIES AND ENGLISH LEARNERS.—Nothing in clause (i) shall be construed to supersede the requirements of Federal law relating to assessments that apply specifically to children with disabilities or English learners.

AMENDMENT NO. 2137 TO AMENDMENT NO. 2089

Mr. ALEXANDER. Mr. President, I call up amendment No. 2137.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER], for Mr. PORTMAN, proposes an amendment numbered 2137 to amendment No. 2089.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for early college high school and dual or concurrent enrollment opportunities)

On page 69, between lines 16 and 17, insert the following:

''(N) how the State educational agency will demonstrate a coordinated plan to

seamlessly transition students from secondary school into postsecondary education or careers without remediation, including a description of the specific transition activities that the State educational agency will carry out, such as providing students with access to early college high school or dual or concurrent enrollment opportunities;

On page 106, line 3, insert ''early college high school or'' after ''access to''.

On page 314, between lines 21 and 22, insert the following:

''(C) providing teachers, principals, and other school leaders with professional development activities that enhance or enable the provision of postsecondary coursework through dual or concurrent enrollment and early college high school settings across a local educational agency.

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 2132

Mr. ALEXANDER. Mr. President, I yield back time on the first amendment.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the Scott amendment No. 2132.

Mr. ALEXANDER. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CRUZ). Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) and the Senator from Florida (Mr. NELSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—45

Alexander	Ernst	Perdue
Ayotte	Flake	Portman
Barrasso	Gardner	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Cassidy	Heller	Sasse
Coats	Hoeven	Scott
Cochran	Inhofe	Sessions
Corker	Isakson	Shelby
Cornyn	Johnson	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Vitter
Enzi	Paul	Wicker

NAYS—51

Baldwin	Boxer	Casey
Bennet	Brown	Collins
Blumenthal	Cantwell	Coons
Blunt	Capito	Donnelly
Booker	Cardin	Durbin
Feinstein	Manchin	Reid
Fischer	Markey	Sanders
Franken	McCaskill	Schatz
Gillibrand	Menendez	Schumer
Heinrich	Merkley	Shaheen
Heitkamp	Mikulski	Stabenow
Hirono	Moran	Tester
Kaine	Murkowski	Udall
King	Murphy	Warner
Kirk	Murray	Warren
Klobuchar	Peters	Whitehouse
Leahy	Reed	Wyden

NOT VOTING—4

Carper	Nelson
Graham	Rubio

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 2169

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on the Booker amendment No. 2169.

Mr. BOOKER. Mr. President, I rise today in support of my amendment, which I am offering with Senator INHOFE, Senator GRASSLEY, Senator AYOTTE, and Senator WYDEN.

The homeless population is at an all-time high in our country, with 1 in 45 children—or 1.6 million—homeless in the United States every year. Homeless students experience a significant educational disruption, and only about 11.4 percent are proficient in math and 14.6 percent proficient in reading compared to their peers. Homeless students are almost twice as likely as other students to have to repeat a grade, be expelled, get suspended, or drop out of high school.

There are more than half a million foster children in the United States, and foster children also have challenges and are not likely to be on grade level, more likely to change schools during the academic year, and more likely to drop out of high school.

Sixty-seven percent of inmates in our State prisons are high school dropouts, and this disproportionate share comes from these backgrounds.

The amendment is simple. It adds a simple reporting of the graduation rates for homeless and foster youth to the State and school district report cards so we can begin to focus in on this important population we should not leave behind. It provides——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BOOKER. Mr. President, I ask unanimous consent to speak for an additional 18 seconds.

The PRESIDING OFFICER. Without objection.

Mr. BOOKER. This amendment provides essential information to educators, policymakers, and the public toward improving the educational outcomes for these students.

I thank the Presiding Officer and yield back.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I commend the Senator from New Jersey for his passion for education but suggest that I am going to vote no because this amendment is premature. It is another burden on States. It adds reporting requirements instead of reducing reporting requirements. It adds 2 new subgroups for every school in the country, and there are 100,000 of those. These populations are difficult to track due to the transient nature of the populations. For foster youth, school districts are poorly equipped to do it. Child welfare agencies would probably do better.

Now what we should be doing is recognizing that we do not need a national school board. This is a good argument, but it should be made to the local school board or to the State school board. We do not need another Federal mandate on 100,000 local schools. That is exactly the wrong direction for us to go.

I urge a ''no'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) and the Senator from Florida (Mr. NELSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 40, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—56

Ayotte	Grassley	Murkowski
Baldwin	Hatch	Murphy
Bennet	Heinrich	Murray
Blumenthal	Heitkamp	Peters
Booker	Heller	Portman
Boxer	Hirono	Reed
Brown	Inhofe	Reid
Cantwell	Kaine	Sanders
Capito	King	Schatz
Cardin	Kirk	Schumer
Casey	Klobuchar	Shaheen
Collins	Lankford	Stabenow
Coons	Leahy	Tester
Donnelly	Manchin	Udall
Durbin	Markey	Warner
Feinstein	McCaskill	Warren
Franken	Menendez	Whitehouse
Gardner	Merkley	Wyden
Gillibrand	Mikulski	

NAYS—40

Alexander	Enzi	Roberts
Barrasso	Ernst	Rounds
Blunt	Fischer	Sasse
Boozman	Flake	Scott
Burr	Hoeven	Sessions
Cassidy	Isakson	Shelby
Coats	Johnson	Sullivan
Cochran	Lee	Thune
Corker	McCain	Tillis
Cornyn	McConnell	Toomey
Cotton	Moran	Vitter
Crapo	Paul	Wicker
Cruz	Perdue	
Daines	Risch	

NOT VOTING—4

Carper	Nelson
Graham	Rubio

The amendment (No. 2169) was agreed to.

AMENDMENT NO. 2137

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on the Portman amendment No. 2137.

The Senator from Ohio.

Mr. PORTMAN. Mr. President, amendment No. 2137 is about early college high school. This is a program that is working incredibly well around the country, both to get young people through high school and to increase graduation rates, which is part of the objective of this legislation, and also to get them not just into college but to stay in college. All of the experience from this program indicates it is working.

I had a recent opportunity to visit the Dayton Early College High School, the academy, and 100 percent of their graduates are from a low-income area. Almost every single one of the students were either the first generation to go to college or into the military. Their retention rate in college is incredibly impressive. This amendment encourages more of that.

Early college high schools are working. It is part of the reform effort that is being undertaken in my State and others, and I strongly encourage a ''yes'' vote.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I am honored to join with the Senator from Ohio in cosponsoring this amendment. I, too, have recently visited an early college high school in my home State, which Delaware State College, our historically Black college, has established. It has shown real promise in terms of the possibilities for college access, college affordability, and college completion.

I urge an ''aye'' vote from my colleagues.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 2137.

The amendment (No. 2137) was agreed to.

VOTE ON AMENDMENT NO. 2159

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on Bennet amendment No. 2159.

Mrs. MURRAY. Mr. President, I yield back our time.

Mr. ALEXANDER. Mr. President, I yield back.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the question is on agreeing to amendment No. 2159.

The amendment (No. 2159) was agreed to.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, that concludes the votes for now. We are moving along very well. We expect to have votes at 4 p.m. today on amendments by Senators ISAKSON, BENNET, LEE, and FRANKEN. We may have other votes.

Senator MURRAY and I have a number of amendments that Senators have suggested to us. We would like to move through them today and tomorrow.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:05 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

EVERY CHILD ACHIEVES ACT OF 2015—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I am here today to stand up for Maryland and for all the students who could lose resources under an amendment offered by the Senator from North Carolina, Mr. BURR.

There is much I admire about Senator BURR, but his current amendment would cause Maryland tremendous problems. The Burr amendment would punish States that make significant investments in those students who need extra help. This amendment would not do one thing to lift kids out of poverty or to close the achievement gap. In fact, it makes it worse.

The so-called hold-harmless provision that is in the amendment does not hold Maryland harmless. It does not prevent any of the Maryland school districts from losing money. Under the Burr amendment, Maryland would lose $40 million. Let me repeat. Under the Burr amendment, Maryland would lose $40 million.

Marylanders know that I have always been on the side of students, teachers, those who run programs, and the taxpayers who pay for them. We in America believe in public education, where one generation is willing to pay taxes to fund the education of the next generation.

Title I in the Elementary and Secondary Education Act was created to lift children up and to close the education gap.

Let me tell you what the Burr amendment would do. Right now, every county and Baltimore City would lose money. There are 24 school districts in Maryland, with 400,000 public school students. Mr. President, 170,000 students—or 45 percent of that population—are eligible for something called title I funding. If the Burr amendment passes, every single one of those boys and girls would lose academic resources they currently get. Let me give you the numbers: Baltimore City, 12 percent; Baltimore County, 23 percent; Garrett County in western Maryland, 20 percent; Somerset County on the Eastern Shore, 15 percent.

From my students in urban schools in the Baltimore/Washington corridor to my rural schools in western Maryland and the Eastern Shore, every single one loses resources, and if you lose resources, you lose opportunity. If we believe in an opportunity ladder, then do not cut off the rungs. It is not the schools that lose, it is the kids who lose. They lose resources and they lose opportunities.

I have heard from school superintendents across Maryland. They tell me the same thing over and over: Do not cut the money for title I.

Dr. Henry Wagner, the superintendent in Dorchester County over on the Eastern Shore, says that the rural schools on the Eastern Shore would be impacted and that he would have to eliminate teaching positions, reduce reading and math services. And the very services to bring in parents would go by the wayside.

Over in Washington County, the gateway to the Eastern Shore, Dr. Clayton Wilcox, the superintendent of Washington County schools, describes how a rural school would be harmed. In his letter in which he describes title I, he said: Senator MIKULSKI, title I resources ''have allowed us to create hope.'' He said: ''They have enabled us to provide extra instructional support in literacy and math—subjects that open up windows and doors often shut to [these boys and girls].'' Without title I dollars, Washington County would have to cut this instructional support in literacy and math. He writes: ''Senator BURR's amendment is bad for the children and young people of Maryland.'' It is bad for all of the children in Maryland.

Baltimore City, where we certainly have had our share of problems lately, would be deeply cut. Right now, Baltimore City receives $50 million. It will lose 10 percent of that funding. Mr. President, $5 million in Baltimore right now sure means a lot. If we cut that money, we are going to shrink pre-K access. The afterschool and summer learning programs will go by the wayside. If they go by the wayside, you will not only have kids with time on their hands, but they will fall behind in reading, in the very things they had gained over the school year. And the professional development for teachers, especially those new teachers we were bringing in, will be eliminated.

I am so proud that Maryland allocates more of its title I dollars to schools that need it the most. For example, 85 percent of students in Baltimore—those kids live in poverty. It has the lowest wealth per pupil in Maryland. So the State allocates more of its resources in this area.

Maryland actually gets penalized under the Burr amendment for putting money where it will do the most good, and, in fact, Maryland gets penalized for making education a priority. Well, I thought we believed in State determination. If a State determines it is going to make a significant investment

in public education and make the funding of the closing of the achievement gap a priority, why punish it for States that cut taxes, cut opportunity? And now we want to change the formula to reward their behavior when we should be rewarding the good behavior of States like my own.

This amendment is bad for Maryland, it is bad for other States, and most of all it is bad for children. Mr. President, 58 percent of the students who benefit from title I funding will get fewer resources, less opportunity.

Title I certainly does need to be reformed and refreshed. Senators MURRAY and ALEXANDER should be congratulated in the way they led the committee through a civil, cogent process. But we cannot make changes based on the needs of a handful of States that essentially have penalized their own children.

The last time the Congress reauthorized the Elementary and Secondary Education Act was in 2001. During that reauthorization, Congress clearly stated that it shall be a national priority that title I should be a priority. In that bill, Congress committed to steadily increase funding for title I. But Congress never fully funded the program. It never provided the adequate funds.

In the major effort that was done just 2 weeks ago within the appropriations bill of Labor, Health and Human Services, and Education, Senator MURRAY offered an amendment to increase title I by $1 billion. Every single Republican on the committee voted against it.

We cannot keep doing this. We need to fully fund title I. This is not about statistics. This is not about numbers. This is about human beings. The genius of America is that we believe—we believe—in the education of our people, that we truly believe that the way we lift all boats in our country is to have a public education system that works well and is funded adequately.

We have had a formula that has worked for title I because it rewards those States that are willing to make public education and the next generation a priority. Let's keep the formula we have. Let's reform where we need to. And let's make sure that our focus is not on bottom lines but that more children get to the head of the class.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DONNELLY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DONNELLY. Mr. President, early childhood learning is critical to building a strong foundation for each child's welfare and success. It is linked to better outcomes in school, such as high school and college completion rates, higher wages, and better social and emotional skills.

Research shows that for every dollar spent, the benefits of early childhood education to society are $8.60. Around half of that reflects increased earnings for children when they grow up. Early childhood education can also lower involvement with the criminal justice system and reduce the need for remedial education.

Clearly, early childhood education such as pre-K is crucial to preparing each generation for the academic and professional challenges ahead. There is no doubt that families play a critical role in achieving academic success. When families are involved in children's learning at a young age, it better prepares them to succeed in school. Research shows that when parents and families are involved in their children's education, children are more likely to succeed. For example, children whose parents read to them at home recognize letters and write their names sooner than those whose parents do not.

It is because of the importance of early childhood education and parent and family involvement in that early education that I worked on language that is now included in the Every Child Achieves Act.

I thank my colleagues, Chairman ALEXANDER and Ranking Member MURRAY, for working with me to include language allowing funding for programs that promote parent and family engagement in the new early learning and improvement grants as a part of the Every Child Achieves Act. This effort was also supported by the National PTA, the National Center for Families Learning, the National Education Association, and the American Federation of Teachers. The competitive early learning alignment and improvement grants would provide funding to States that propose improvements to coordination, quality, and access for early childhood education. The language I worked on would allow States to use funding from the early learning alignment and improvement grant to develop, implement or coordinate programs determined by the State to increase parent and family involvement; encourage ongoing communication between children, parents, and families, and early childhood educators; and promote active participation of parents, families, and communities.

I thank my colleagues again for working with me to get this included in a substitute amendment because parent and family engagement in those early years is critical to each student's success as well as to our country's future.

I am committed to working with partners in Indiana to ensure that Hoosier children can take advantage of these important programs, and I stand ready to continue working with my friends on both sides of the aisle to further invest in early childhood education so we can provide brighter futures for more Hoosiers and additional American children.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. Thank you, Mr. President.

I am obviously a Senator from Colorado, but as I rise, I am speaking more as the father of three daughters in the Denver Public Schools and a former superintendent of schools.

It was a great privilege of mine, probably the privilege of a lifetime, to have been the superintendent of Denver Public Schools for almost 5 years. I can't begin to express, as I am standing on this floor, my gratitude for what I have learned from teachers, principals, and parents who were sending their kids to what was then a school district that had seen declining enrollment for many years. It is now the fastest growing urban school district in America. Of course, the students themselves day after day inspired all the adults around them to want to help deliver a high-quality education.

But I also was struck when I was superintendent with the barriers that we have accepted as a country and as a society that we would never accept for our own children. We would never accept them for our own children. The first barrier I talked about on the floor before is the fact that if you are born poor in this country, you show up to kindergarten having heard 30 million fewer words than your more affluent peers. This is an enormous barrier we haven't addressed as a country, and there are many other challenges up to and including the fact that we have made it harder and harder as years go by for people to afford a college education without bankrupting themselves or shackling themselves to a mountain of debt.

In the face of all that, we have been very slow to change. We have been very slow at every level to change the way we deliver K–12 education or early childhood education through higher education. Let me just give you one example that this bill addresses today, in part. We have done almost nothing in this country to change the way we attract teachers, recruit teachers, inspire teachers, train teachers, reward teachers, since we had a labor market that discriminated against women and said the only job you can have is being a teacher or being a nurse. Those are your two jobs. So why don't you come to the Denver Public Schools and teach Julius Caesar every year for 30 years of your life for a really low compensation. But if you stick with us for 30 years—which you would not do anymore—we will give you a pension worth three times that of Social Security. That sounded like a good deal because you

were likely to outlive your spouse, you weren't paid a lot during your lifetime, and you get the pension at the end. We have done nothing to change that. That is our offer.

I can tell you again—not speaking as a politician but speaking as a school superintendent, speaking as somebody who has never done anything but substitute teach. I have never actually taught as a traditional teacher. I substitute taught from time to time. That is the hardest job a person can have, especially when you are teaching in a high poverty school. It is much harder, I can say without any doubt, than any job any Member of the U.S. Senate has. Yet we have an offer that belongs to an era that no longer exists.

In all honesty, we used to subsidize the public education system in this country through that discrimination in our labor, our approach to labor, because even though the deal wasn't a good deal, we might have been able to get the very best British literature student in her class to commit to be a teacher of British literature because she had no other options except for perhaps becoming a nurse. Fortunately, that hasn't been true in this country for 30 or 40 years, but we haven't updated the offer, and we haven't changed the way we train our teachers once they get there.

That is why this bill is important in some parts because it makes some important steps in the right direction. We are not going to teach children from Washington. Our kids who today are in systems all across this country in their schools and classrooms are never going to remember who here worked on the new version of the Elementary and Secondary Education Act. That is not going to be of concern to them, but hopefully what they will remember is a third grade teacher who made a huge difference for them, a fourth grade teacher who made a huge difference for them, a college adviser who took a special interest and made sure somebody who didn't know that college was for them was for them.

Our job, it seems to me, is to do what little we can to try to help put people at home in a position to do that job. That is why it is critical in this bill that we raise the quality of professional development by encouraging ongoing training and education that actually tracks the specific strengths and areas of growth for each individual teacher, instead of group workshops that we know are ineffective. For instance, teachers who need help in classroom management will receive training in that specific area, if a school district or a school would want to do that.

We promote collaboration and the use of common planning time, so that teachers can work together in groups as teams, each of whom may have a different view of each kid but together can figure out how to get each child in the school to their potential. One of the things I heard all of the time from the teachers that I worked with in Denver was that they felt that they faced a binary choice when it came to their profession. Yet they loved to teach. They loved being with the kids. But the only other option besides teaching was becoming a principal or going to work in the central office. We worked very hard in that school district and across the State to think differently about career ladders for teachers, to give more opportunity and options for people to give back, and to be able to help perfect their own craft as teachers by learning from their peers and also serving as master teachers.

This bill, for the first time, allows funding to be used for hybrid roles that allow teachers to serve as mentors or academic coaches while remaining in the classroom. It creates options, as I said. It encourages teacher-led and colleague-to-colleague professional development among teachers. I may have learned it the hard way, but I know that nobody knows how best to improve instruction more than our teachers do.

But the struggle is how to figure out how to break out of the old roles to give people the opportunity to be able to have the chance to mentor their colleagues and also, significantly, have the time in the school day and in the school year, when the stress of other business makes it hard to do, to create the time for people to be able to work together for our kids.

In this bill we recognize the work that is happening in cities such as Chicago, Denver, and Boston, around teacher residency programs, an alternative approach to bringing teachers into the profession, not relying anymore solely on higher education, understanding that maybe what we need is content matter experts who can learn how to teach by being latched to master teachers in a school district such as the Denver public schools, who bring their content, their substance from their undergraduate degree but can acquire a masters as they are learning on the job in the classroom, as in a medical residency program. We allow funding to be used for that. These programs can provide critical clinical experience to teacher candidates.

There is funding to train and place effective principals to lead high-need and low-performing schools. You cannot have a good school without a good principal. Ask anyone. You cannot have a good working environment for a teacher without a good principal. It is impossible. We skipped over that in our efforts of implementation across the country. When I had the good fortune to be the superintendent of Denver Public Schools, my chief academic officer was a guy named Jaime Aquino, a gifted school leader.

He and I would start every single day for 2 hours with a group of 15 principals in one of their schools. It was not about broken boilers, and it was not about who got left on the bus. It was about teaching and learning in Denver Public Schools.

We would do the same thing for 3 weeks, and then we would start over again, which meant that I got to see every principal in my school district once every 3 weeks, and they got to see each other. They came to understand that they had a reciprocal obligation to each other as we thought about the obligation we had to the kids in Denver. I will give you an example of one of the sessions. Jaime would bring a 1½-page piece of student writings to these meetings, because it is really important for teachers to look and analyze student work to be able to differentiate their instruction to meet the individual needs of kids in the classroom.

It is easy to say that. It is easy to have the fly-by professional development where a bunch of people are sleeping in auditorium listening to really boring stuff. It is another thing to actually get people to want to do the work. At the beginning it was hard. We would pass out that piece of student writing and you would hear sort of a crescendo as people were talking about it, and they would say: I cannot read this. I don't know what this says. This looks like a foreign language to me.

Then Jaime would say: Based on what you have read, what are Nancy's strengths as a writer?

She turned out to be a very typical fourth grader in our school district.

They would say: Well, she writes from left to right. She has a sense of story structure. She spells high-frequency words correctly.

Jaime would say: Well, why is that? He would say: Well, maybe she had a vocabulary test. He would say: Maybe she had a word wall, and she is using it to scaffold her instruction.

Over time, the principals saw what their role was as leaders and how reliant we were on them.

I can tell you firsthand that school leaders have a powerful affect dramatically improving the quality of teaching and raising student achievement, and we have skipped over them. This bill no longer skips over them.

We also update and improve the teacher incentive fund in this bill. We encourage districts to redesign their systems for recruiting, hiring, and placing teachers.

We incentivize districts to think about paying different teachers differently. In Denver, we don't have a monopoly on wisdom, but if you are working in a high-poverty school, you get paid more for that. It is harder to find you. It is a harder job. We recognize that. If you are teaching a subject for which it is hard to find people to teach, we pay a little more for that.

If you are driving student achievement or your colleagues are, we pay you a little more for that. Through this incentive fund, we promote school autonomy over budgeting, staffing, and other school-level decisions. We incentivize folks to change hiring schedules so high-need schools can hire

earlier in the year and select from the best and brightest teachers, instead of the reverse.

So we have done some good things here on teachers. It is one of the reasons why I am supporting this legislation. I want to thank Chairman ALEXANDER and Ranking Member MURRAY, who are both on the floor today, for their exceptional leadership in bringing this bill out of committee. The people who are watching this on television know that this body cannot seem to agree on anything these days. Because of their work, we were able to produce a bill that got unanimous support in the HELP Committee. Every single member of the committee supported it. Imagine that. Imagine that in this body.

You know what. There are no ringers on that committee either. That committee has the junior Senator from Kentucky on it, Mr. PAUL; it has the junior Senator from Vermont on it, Mr. SANDERS, and everybody in between. That is a rare case of unanimity among a very diverse set of Senators, which I think argues well for getting this bill through in the Senate and hopefully in the House.

I see my colleague is here. If I can just take 2 more minutes I want to mention a word or two about the title I formula. I have joined my friend from North Carolina in supporting an amendment to change the title I funding formula. The formula I think that we are trying to propose today is sensible and eliminates the overly complex and opaque formulas that we currently have. It creates one formula that is targeted and provides more funding for districts with higher concentrations of poverty.

I am extremely sensitive to the arguments that others have made, such as my friend from New York. I also agree that we need to invest significantly more in our kids. This formula change is good for my home State of Colorado. I think if you are a poor kid in Alamosa or Woodrow, CO, you deserve every chance to get a great education, including receiving an equitable share of Federal resources.

With that, I see my colleague from Utah is here. So I will relent and yield the floor and come back at a later time.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO 2162 TO AMENDMENT NO. 2089

Mr. LEE. Mr. President, I ask to call up and make pending the Lee amendment No. 2162.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 2162 to amendment No. 2089.

Mr. LEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Elementary and Secondary Education Act of 1965 relating to parental notification and opt-out of assessments)

On page 52, strike line 3 and all that follows through line 9 and insert the following:

''(K) PARENTAL NOTIFICATION AND OPT-OUT.—

''(i) NOTIFICATION.—Each State receiving funds under this part shall ensure that the parents of each child in the State who are scheduled to take an assessment described in this paragraph during the academic year are notified, at the beginning of that academic year, about any such assessment that their child is scheduled to take and the following information about each such assessment:

''(I) The dates when the assessment will take place.

''(II) The subject of the assessment.

''(III) Any additional information that the State believes will best inform parents regarding the assessment their child is scheduled to take.

''(ii) DELAYED OR CHANGED ASSESSMENT INFORMATION.—If any of the information described in clause (i) is not available at the beginning of the academic school year, or if the initial information provided at that time is changed, the State shall ensure that a subsequent notification is provided to parents not less than 14 days prior to the scheduled assessment, which shall include any new or changed information.

''(iii) OPT-OUT.—

''(I) IN GENERAL.—Notwithstanding the requirement described in section 1111(b)(3)(B)(vi), or any other provision of law, upon the request of the parent of a child made in accordance with subclause (II), and for any reason or no reason at all stated by the parent, a State shall allow the child to opt out of the assessments described in this paragraph. Such an opt-out, or any action related to that opt-out, may not be used by the Secretary, the State, any State or local agency, or any school leader or employee as the basis for any corrective action, penalty, or other consequence against the parent, the child, any school leader or employee, or the school.

''(II) FORM OF PARENTAL OPT-OUT REQUEST.—Unless a State has implemented an alternative process for parents to opt out of assessments as described in this subparagraph, a parent shall request to have their child opt out of an assessment by submitting such request to their child's school in writing.

''(iv) APPLICABILITY.—The requirements relating to notification and opt-out in this subparagraph shall only apply to federally mandated assessments. A State may implement separate requirements for notification and opt-out relating to State and locally mandated assessments.''.

On page 58, on line 21, after ''paragraph (2)'' insert ''(except that such 95 percent requirements shall exclude any student who, pursuant to paragraph (2)(K), opts out of an assessment)''.

Mr. LEE. Mr. President, I ask unanimous consent that Senator PAUL be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEE. Mr. President, parents and teachers all across America are frustrated by Washington, DC's heavy-handed, overly prescriptive approach to public education policy. I have heard from countless moms and dads in Utah who feel as though anonymous Federal Government officials, living and working 2,000 miles away, have a greater say in the education of their children than they do.

One of the most frustrating issues for parents is the amount of standardized tests that their children are required to take, particularly the tests that are designed and mandated by the Federal Government. It is not just the frequency of those tests that is frustrating. Too often parents do not know when these federally required assessments are going to take place, and they do not even find out until after the fact. It is important to recognize that this is not a partisan issue. The notion that parents should not be expected to forfeit all of their rights to the government, just because they enroll their children in the public school system, is not a Democratic idea nor is it a Republican idea. It is simply an American idea.

That is why several States, including States as distinct as California and Utah, have passed laws that allow parents to opt out of federally required tests. But there is a problem. Under current law, States with opt-out laws risk potentially losing Federal education dollars if a certain portion of parents decides opting out is best for their children, because schools are required to assess 95 percent of their students in order to—and as a condition to—receive Federal funds.

The bill before the Senate today, the Every Student Achieves Act, does not fix this problem. My amendment does. Here is how. My amendment would protect a State's Federal funding for elementary and secondary schools by removing the number of students who opt out of Federal tests from the number of non-assessed students. In other words, the number of students opting out of federally required tests could not threaten a State's eligibility to receive Federal funds.

My amendment would also give parents more information about tests mandated by the Federal Government, ensuring that parents are notified of any federally required assessment that children are scheduled to take. It would allow parents to opt out their children from such assessments. It is important to note that this amendment would have no effect on assessments that are required by the State, local education agency, school or teachers. Nor does it prohibit a State from expanding their parental opt-out laws to apply to a broader set of assessments if they choose to do so.

This amendment would not jeopardize a State law that provides parents the opportunity to opt out their children and it would allow the State to continue to use its own process that allows parents to take such action.

Whether you believe the bill before the Senate today strikes the appropriate balance between Federal and State control, I think all of my colleagues can support this amendment. I believe all of us can agree that parents

should have the final say in their child's education and should have access to information about the testing that is taking place before that testing takes place, and they should be able to decide whether their child will be part of that testing.

I urge all of my colleagues to support this amendment.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Utah for his comments. We will be voting on the Senator's amendment this afternoon at 4 o'clock, and I want to just make a couple of comments about it.

I have a little different view of what his proposal is. He talks about our being opposed to Washington's heavyhanded approach. The way I understand his proposal, it is even more of a heavyhanded approach than the bill we are voting on today, and this is why.

His proposal is that Washington tells Utah or Oklahoma or Tennessee or Washington State what to do about whether parents may opt out of these federally required tests. Now, they are not federally designed. Utah has its test. Tennessee has its test. They are designed by the States, but they are required. And there would be—since 2001, and this continues that—for example, two tests for a third grader. The testimony would be that it might take 2 hours for each test, so that would be 2 hours for a math test, 2 hours for a science test; then again in the fourth grade, 2 hours for a math test, 2 hours for a science test.

I don't think anyone believes those are a great burden on students, it is all the other tests that seem to be required as schools prepared for the tests I just described. What we have done in this legislation is restore to States the power to decide how much these standardized tests count.

So the legislation Senator MURRAY and I have proposed—and that came out of our committee unanimously—for the first time authorizes States to decide whether parents may opt out, may allow their children to opt out of these tests or not. Let me say that again. The legislation that Senators will be voting on, hopefully tomorrow for final passage, allows States to decide for themselves whether parents may vote to opt out of the No Child Left Behind tests.

The proposal from the Senator from Utah is a Washington mandate that says to States that Washington will decide that.

So our proposal is local control. His, the way I hear it, is Washington knows best. That is like Common Core.

The proposal that is on the floor for a vote tomorrow says Washington may not mandate to any of our States what its academic standards should be. That ends the Washington Common Core mandate. In the same bill, why should we put a Washington mandate about whether you can opt out of your test? Why don't we allow States to make that decision?

So I say to my Republican friends, especially, do we believe in local control only when we agree with the local policy? I don't think so.

The great economist Art Laffer likes to say: States have a right to be right, and States have a right to be wrong.

I have a different view. I am going to vote no on the amendment of the Senator from Utah because it takes away from States the right to decide whether and how to use the Federal tests and whether parents may opt out.

Why is that a problem? Well, in the following States, States use these tests as part of their State accountability system. They don't have to do it, but they do use it. I am told by the State of Tennessee that if we were to adopt the Utah proposal Federal mandate, that the State would have to come up with a different accountability system.

So which States on their own have decided to use these tests as part of their State accountability system? Florida has, Georgia, Idaho, Indiana, Kentucky, Louisiana, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, and Texas.

So I urge my colleagues to vote for the Alexander-Murray proposal because it reverses the trend toward a national school board and specifically allows States to decide whether States may opt out of tests while the amendment goes the other way. It is a Washington mandate that takes away from States the ability to make that decision.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 2194 TO AMENDMENT NO. 2089

Mr. ISAKSON. Mr. President, I ask to set aside the pending amendment and call up my Isakson amendment No. 2194.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 2194 to amendment No. 2089.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require local educational agencies to inform parents of any State or local educational agency policy, procedure, or parental right regarding student participation in any mandated assessments for that school year)

On page 110, strike lines 7 through 17 and insert the following:

''(1) INFORMATION FOR PARENTS .—

''(A) IN GENERAL.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding any State or local educational agency policy, procedure, or parental right regarding student participation in any mandated assessments for that school year, in addition to information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following:

Mr. ISAKSON. Mr. President, I begin my remarks by commending Ranking Member MURRAY and Chairman ALEXANDER on a tremendous due diligence effort to see to it that we finally answered the question that States have been asking for 7 years; that is, when are you going to reauthorize the Elementary and Secondary Education Act? When are you going to end the day when 82 percent of all educational public school systems have to get waivers from Washington to teach children the way they want to teach them? When are you going to see to it that money can flow to the States and flow to the student from those States, not everything flow from Washington to the student. It is about time we fixed the Elementary and Secondary Education Act.

In my lifetime, I have been in elected office for 38 years. I have been in every legislative body I can legally be elected to, and I have served on the Education Committee in the Georgia House, the Georgia Senate, the U.S. House, and the U.S. Senate. I don't know a lot about a lot of things, but I know a little bit about public education. In fact, in 1996, Zell Miller, whose seat I now hold in the Senate, called on me to take over the Georgia State Board of Education when Georgia had a major crisis. So I learned under fire.

I learned the following: Children rise to expectations, and in an absence of expectations, children sink. That is why gangs attract kids from broken families, because they seek some kind of recognition, and the gang gives it to them.

We need to make sure education gives them that recognition, that expectation, and that goal to reach higher and higher standards, but that happens closest to home, not in Washington, DC. It happens where the parents and the children are. The more opportunities parents have to engage with their children—the children see the expectations of their local students and their local citizens—the better off they will be, which is why in the committee I offered the amendment which is included in the body of the Alexander-Murray bill, which allows parents in States that approve it to opt out of any testing they want to opt out of—a parent's right to see to it they can opt out of a required test if the State allows them to do so.

Amendment No. 2194, which is before us now, makes sure that provision is in the section of the bill that calls for the parents' right to know. So every parent has the right to know whether the State allows an opt-out. It already lets them know what their child's teacher's qualifications are, what their level of achievement in school is, notice if their child is being taught by a teacher not meeting State standards, and rights as a parent of an English language learner.

The bill is specific in all of those areas, telling the parent: It is your right to know if we have an ESL Program. It is your right to know if we allow an opt-out, and if we do not allow an opt-out, it is your right as a citizen to go to the board of education and make sure we do offer one. In other words, we are opening the door for local control the way all of us planned on it being for years and for years and for years.

It is time we took the shackles off public education. The Washington weight is dragging it down. It is time our school systems no longer have to come to Washington for waivers and all those types of things, but instead we said—in the case of title I, our poorest kids and among those most in need of help, our IDEA kids, where the Federal Government has a role—besides those two areas, it is time for the local system to see to it they are meeting the needs of those kids, the parents know what the system is doing, and the parents have a right to inquire. And if the parent doesn't want the kid to be tested the way the State is doing it and the State allows it, they should be able to opt out. That is the ultimate of local control. It is also the ultimate of expectations for the child through the parent and the school, not through some Washington mandate.

You know the old saying: Education makes people easy to govern and impossible to enslave, easy to build and impossible to drive.

Education is the power that leads our democracy to discoveries. Just today in America—or just sometime today in America—Pluto was discovered by an American satellite that was launched 9 years ago. It has been traveling hundreds of thousands of miles a second to go there. That manpower was done in the educational system of the United States of America.

There is no dream that can't be realized in this country, but it has to be based on education and knowledge. It has to be based on a country that relishes education, a State that embellishes education, and a parent that is involved with their child.

I commend Senator MURRAY and Senator ALEXANDER for their work, for including the opt-out provision in the base of the bill. I ask and hope the Senate will adopt my amendment to require that in the parents' right to know, that provision is made available to every single parent in terms of what the State does and does not require when their kids go into the public school system. So we have a better informed parent, better local control, less Federal mandate, and a child who has expectations that are raised for them by the parents and the teachers closest to them, not by a bureaucrat in Washington, DC.

We live in the greatest country on the face of this Earth. You don't find anybody trying to break out of the United States of America. They are all trying to break in. And when you ask them why, it is because it is a country of opportunity, education, hope, and promise.

Today and tomorrow, the Senate has the ability to reauthorize the Elementary and Secondary Education Act, which has languished for 7 years without a reauthorization. I hope we will do it and give local systems and local boards of education and the parents the choices they need to make the decisions that are right for their children.

I encourage every Senator to vote for amendment No. 2194, the Isakson opt-out amendment and the parental right-to-know amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the Senator from Washington is going to speak in just a moment, but while the Senator from Georgia is on the floor, I thank him for his huge contribution to this bill that would fix No Child Left Behind. No committee member has been more valuable than he. He has worked with Senator MURRAY to include within a provision an important step on early childhood education.

He has used his experience as chairman of the Georgia State Board of Education and as a member of the education committee in both the Senate and the House to help us know how to do a better job here.

He is the champion of giving parents the right to know whether their State gives them the opportunity to opt out of the federally required tests. That is his amendment today. And he was the sponsor of the amendment that appears in the Alexander-Murray bill, which gives States the express authority to decide whether the parents may opt their children out of the tests.

So the Isakson amendment says: Give States the power to provide the opt-out, and it gives parents the opportunity to know enough information to be able to do it. That is consistent with this legislation, which requires the important measurements of achievement so we can know whether children are achieving and whether schools are achieving, but then restores to States and local school boards, classroom teachers, and parents the decisions about how to help those children achieve.

That is the kind of local control of education that I think most of us on both sides of the aisle—whether it is the Senator from Montana speaking this morning or the Senator from Georgia speaking this afternoon, that is the spirit of the consensus that guides this bill.

Senator ISAKSON's contribution has been enormous to the right of parents to provide an opt-out of a federally required test for them and their children if they and their State choose to do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2093

Mrs. MURRAY. Mr. President, I rise this afternoon to speak in favor of the Franken amendment, which we will be voting on shortly. I want to start with the story of Chandler, who was a 9th grader in Arkansas who experienced daily bullying and harassment. At school, his classmates harassed him based on his perceived sexual orientation. His mom described him as a good kid. She said all he wanted was to fit in, but Chandler couldn't walk down the hall between classes without kids harassing him. He wrote to his school counselor saying he couldn't handle ''being an outcast for four more years.''

And while teachers knew about the bullying, the school district never put a plan in place to address his concerns. And one day in 2010, Chandler took his own life after enduring endless bullying and tormenting at his school.

Chandler's story is more than a tragedy, it feels like an all-too-common trend for students across the country.

As a mother, grandmother, a former educator, and as a citizen, I believe Congress has to act to protect kids such as Chandler. When kids do not feel safe at school, when they are relentlessly bullied because they are different, when they endure harassment simply because of who they are, we have failed to provide them with the educational opportunities they deserve. We have failed them.

As we debate our Nation's K–12 education bill, we need to do everything we can to prevent bullying, harassment, and discrimination and provide students with a safe learning environment. Today, we will consider an amendment to address the unique challenges LGBT students face.

I thank Senator CASEY for his work on the Safe Schools Improvement Act. It is a bill we will not be voting on but will continue working on. I thank, especially, Senator FRANKEN for his tireless leadership on the Student Non-Discrimination Act.

On the HELP Committee, I have been a proud cosponsor of this legislation for years, and today I hope all of our Senate colleagues will join us in protecting students from discrimination based on their actual or perceived sexual orientation or gender identity.

Discrimination, bullying, and harassment at school leads to students who feel unsafe. It leads to kids who skip classes so they avoid harassment. Some students drop out of school because they don't feel safe there. If students don't feel safe, then there is very little else we can do to improve their education that will matter.

This type of bullying and harassment can be severe, particularly for LGBT students. The Gay, Lesbian & Straight Education Network recently did a survey on the experiences of LGBT youth in our schools. In that survey, 6 out of 10 lesbian, gay, and bisexual students reported feeling unsafe at school and 8 out of 10 transgender students said the same.

Eighty-five percent of LGBT students report they have been harassed because of their sexual or gender identity. Even

though bullying and harassment is prevalent for these students, they and their families have limited legal recourse for that kind of discrimination. I believe our students deserve better. The amendment we will be voting on will help to tackle this problem.

The student non-discrimination amendment would prohibit discrimination and harassment in public schools based on actual or perceived sexual orientation and gender identity. The amendment would also prohibit any retaliation for lodging a complaint of discrimination. That would give our LGBT students who are suffering from bullying and harassment legal recourse, and it would allow Federal authorities to address discrimination.

This amendment would offer LGBT students similar protections that currently exist for students who are bullied based on race, gender, religion, disability, or country of national origin. Unless you think LGBT students don't deserve protection from discrimination the way these other students do, this should be easy to support. This amendment is absolutely critical for expanding protections for LGBT students. Again, I thank the junior Senator from Minnesota for his tremendous work.

I know some of our Republican colleagues have argued that taking steps to prevent bullying would only create lawsuits. But I believe these students deserve justice. Giving students and families legal recourse would help provide that.

Under this amendment, the process for legal recourse would be similar to title IX, which actually has been on the books since 1972. In the majority of title IX cases, a school is more than willing to fix the problem so it no longer engages in discriminatory practices. After all, school leaders want to do the right thing and end bullying or harassment in their classrooms. They want to make sure their school is safe for a particular group of students. They want to make sure students are not discriminated against simply because of who they are. With this amendment, this same process would be afforded to LGBT students.

I have also heard some critics of this amendment say there is no need to focus on LGBT students. They don't want to define who would be covered in an anti-discrimination amendment. But that logic doesn't follow what we already know works. There is a reason the civil rights laws of our country clearly define who is protected from discrimination. For example, our civil rights laws make it clear that it is unlawful to discriminate based on race and gender. A generic anti-discrimination policy will not cut it. A vague policy would lead to years of litigation about who is and who is not protected and what legal standards should apply. Making meaningful progress to prevent bullying, harassment, and discrimination requires us to clearly define who will be protected.

We know LGBT students are being bullied. They are being harassed. They are being discriminated against. Ignoring that fact with vague language doesn't help those students; it does them a real disservice, and it is wrong.

I urge my colleagues to support this amendment. The pain physical and emotional abuse can cause is tragic.

In Ohio, a young man named Zach is an openly gay student. Since he was in the third grade, he has been called names at school. That abuse has escalated since then. When he was 16, Zach was physically attacked and repeatedly punched by another student during his third-period class. In a video from the ACLU, Zach's mom said it is not that Zach attended a bad school. She said: ''It's just not a good school for gay or lesbian children.''

It should not matter what school a child attends; all students deserve a safe learning environment. Bullying and harassment take that away from too many of our Nation's students.

I want to take a moment to note the historical significance of this debate and the vote we will be taking on shortly. A few weeks ago, the Supreme Court settled a question that for decades has been an issue of debate in our country. After years of fighting for equal rights, LGBT couples finally have the guarantee of marriage equality nationwide and the protections that all married couples enjoy.

I am proud of how far our country has come. Since the Court's ruling, this—right now, today—will be the first vote this body takes on legislation aimed at ending discrimination against LGBT individuals and in this case discrimination against LGBT children in our schools. Surely we can agree that a minority group of students who have long endured bullying, harassment, and discrimination deserves the same protections we afford other groups of students. There is no excuse for a school or for a United States Senator to stand by as our kids endure harassment and discrimination that puts their academic success and emotional well-being in jeopardy. The country will be watching.

I urge our colleagues to support this amendment and give students across the country the assurance that we are on their side.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. HEITKAMP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HEITKAMP. Mr. President, I wish to thank Chairman ALEXANDER and Ranking Member MURRAY for their excellent leadership as stewards of this important bipartisan effort. In my conversations with parents, educators, and advocates across my State, one theme prevails: We must reform this outdated law. This bipartisan legislation before us, while not perfect, is a step in the right direction.

I am glad my language was included in the substitute amendment to address conflict resolution and crisis intervention services in schools. It will provide support and the ability of school districts to provide suicide, trafficking, trauma, and violence prevention models. Such models will assist educators as they foster positive school climates so that students can enter school excited and ready to learn.

However, I hope we can also advance my amendment No. 2171, which would support those schools where such preventions are needed the most. My amendment will restore access and make improvements to school and mental health support grants under an existing program in ESEA—the integration of schools and mental health systems. Unfortunately, the bill before us eliminates this program simply because of recent budget cuts. Those budget cuts have allowed for the diversion of its funding to other priorities. This program, however, is more important than ever today.

I am not calling for new or expanded funding or even a new program. The funding conversation should take place during the appropriations process. But for these purposes, we must make sure the program's authorization is not eliminated, as students across this country and students in my State critically need these integrated services that help them deal with the effects of poor educational environments as well as the effects of toxic stress and trauma.

The need to address this problem is something I have heard repeatedly since becoming North Dakota's Senator and previously in my role as North Dakota's attorney general. Through my personal experiences with affected children, school leaders, and tribal representatives, I have focused on making sure all children have the ability to succeed and overcome obstacles associated with suicide, trauma, violence, and stress on their mental health.

In May of 2015, Futures Without Violence, alongside partners such as the Alliance for Excellent Education, the National Education Association, and the National PTA, released a report entitled ''Safe, Healthy, and Ready to Learn'' that detailed how unhealthy school climates, exposure to violence, and the effects of trauma reduce academic success. As a result of such conditions, students with two or more adverse childhood experiences are more than twice as likely to repeat a grade. Students exposed to violence are at a greater risk of dropping out or having difficulty in school. Children exposed to violence scored lower on tests of verbal ability and comprehension, reading and math skills, and overall achievement on standardized tests.

As a member of the Indian Affairs Committee, I can attest that nowhere

are adverse childhood experiences more common than in schools serving this country's Native communities and Native American tribes. The suicide rate for young adults aged 15 to 34 years is 2½ times higher than the national average.

In South Dakota, from December 2014 to May 2015, the Oglala Sioux Tribe lost nine—nine—of their young people to suicide between the ages of 12 and 24. At least 103—I want to repeat that number—103 attempts were made by young people aged 12 to 24 just in those few months.

North Dakota has had a similar experience with suicide. Five young people—three teenagers and two 25-year-olds—on the Standing Rock Sioux Reservation took their own lives within a 2-month period.

Much like North and South Dakota, Montana, Wyoming, and Alaska's suicide rate has increased dramatically in recent years—jumping 70 percent in 10 years, with large increases among middle and high school students.

As populations have increased in the West, violent crime has similarly risen 121 percent in some areas. Through drug crimes, gunrunning, gang activity, and limited capacity of law enforcement, human trafficking has become epidemic, with 83 percent of all victims in the United States being American. How can we expect children to learn when they face such obstacles as these? This is an injustice.

We must make sure our schools have the means to partner with health systems and provide preventive measures and family engagement models for improving school environments and mental health stress. Unfortunately, schools are often the last line of defense for our country's most vulnerable students. My amendment would simply preserve a voluntary program that helps schools provide children stability and the tools necessary to handle mental stress.

I understand the call for Federal streamlining and local flexibility. For North Dakota, strengthening local efficiency is a top priority. However, this particular program should not be a part of that streamlining. This authorization is about updating a civil rights law based on helping all—even the most disadvantaged—students achieve and have access to a better future.

But for many of our States, those disadvantaged students are also owed a Federal trust responsibility. While this language would protect a grant program that is accessible to all, the services provided under this amendment target issues epidemic to Indian Country. As such, it would work to uphold the distinct trust responsibility of this government to provide educational resources to Native children. Much like the amendment from the senior Senator from Montana, which the Senate adopted last week, I hope the Senate will similarly protect this program.

By helping schools coordinate with health professionals specializing in addressing the effects of traumatic events and mental stress, we will secure for our most disadvantaged the equal opportunity they deserve—that equal opportunity to learn and to achieve.

I want to tell you a quick story. The first year I was elected, I had an opportunity to visit with a lot of North Dakota constituents who came into my office. I remember distinctly the day the grade school principals came to visit me, and I thought that I would prepare for this meeting—that I would prepare on No Child Left Behind. I shared a lot of their concerns, and I was ready to talk about No Child Left Behind. That is not what they wanted to talk about. One principal told me a story about two young boys who were in second and third grade who had ridden the bus that morning and beaten up two little girls. When they got to school, the principal asked them why they would ever do that. They said: Well, you understand that last night my dad beat up my mom and he went to jail. They wanted to visit their dad.

How prepared is a school district to deal with that situation? If we do not engage the mental health community, our schools will continue to be those first responders, ill prepared to deal with the trauma of that life. We have to begin to integrate these programs, and we have to look at what is happening with trauma and stress and the effects trauma and stress have on learning and the ability to succeed.

I understand and can completely appreciate and support the idea that we need to streamline programs. I think this is a program whose time has come. We should fund this program. That is a conversation for the Appropriations Committee. We have to begin to emphasize the conditions in which children live if we are going to educate all of our children equally.

I hope my colleagues will join me in supporting this amendment.

I ask unanimous consent that the Futures Without Violence report, ''Safe, Healthy, and Ready to Learn,'' be printed in the RECORD.

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

SAFE, HEALTHY, AND READY TO LEARN

EXECUTIVE SUMMARY

Dr. Martin Luther King, at the crossroads of this nation's civil rights movement more than 50 years ago, talked about the ''fierce urgency of now.'' Today, more than ever, every child deserves equality of access and opportunity that will prepare him or her to compete in the changing economies and realities of the 21st century. Yet, for too many children, exposure to violence and trauma can deny them both access and opportunity. Forty-six million children in the United States will be exposed to violence, crime, abuse, or psychological trauma in a given year: two out of every three children in this country. They are our sons, daughters, grandsons, granddaughters, nieces, and nephews. They are our future.

There is an undeniable urgency of now to shine the light on these children and, even more importantly, prevent our children from exposure to violence. We owe it to them to give them the opportunity to live up to their full potential. We should not wait, we cannot wait, and we must not wait.

In partnership with leaders from throughout the health, education, justice, and child development fields, Futures Without Violence (FUTURES), with the support of The California Endowment, Blue Shield of California Foundation, and the Lisa and John Pritzker Family Fund, has spent the last year working to develop public policy solutions to prevent and address childhood exposure to violence and trauma. We examined research, consulted with experts across the country, and convened a multi-disciplinary working group to develop a comprehensive set of recommendations designed to combat this silent epidemic.

Children's exposure to violence, trauma, and ''toxic stress'' can have a permanent negative effect on the chemical and physical structures of their brain, causing cognitive impairments such as trouble with attention, concentration, and memory. Adverse Childhood Experiences (ACEs) research documents the short- and long-term connections between exposure to violence and other adversity and poor health and educational outcomes, such as increased absenteeism in school and changes in school performance. Individuals who have experienced six or more ACEs die, on average, 20 years earlier than those who have none. We know that the effects of this trauma are playing out in numerous ways every day.

The good news is that we know what works to prevent harm and heal children. Our collective task is to identify and elevate the effective policies, programs, and practices that are working and advance them at the federal, state, and local level. This report is designed to do just that.

FUTURES is especially grateful to the thoughtful work and commitment of our policy working group, which made the report possible. The group is unique in its diverse membership and in the willingness of its participants to cross boundaries and recognize the interconnectedness of multiple issues. From reforming school discipline practices and creating positive school climates to combating child abuse and promoting children's physical, emotional and mental health, the group worked to examine and lift up core strategies to meet the needs of the whole child, to address trauma in children's lives, and to create conditions to allow our children to thrive and succeed.

GOALS

The working group developed a set of recommendations that will support each of these seven goals:

1. Invest early in parents and young children
2. Help schools promote positive school climates, be trauma sensitive, and raise achievement
3. Train educators, health care workers, and other child-serving professionals about preventing and responding to youth violence and trauma
4. Prevent violence and trauma
5. Improve intra- and inter-governmental coordination and alignment
6. Increase the availability of trauma-informed services for children and families
7. Increase public awareness and knowledge of childhood violence and trauma

SUMMARY OF RECOMMENDATIONS

The following summarizes the key recommendations for each goal:

No. 1—Invest early in parents and young children. The federal government should support states, local jurisdictions, and tribes in providing parents, legal guardians, and other caregivers the resources necessary to help their children thrive. A multi-generational

approach to comprehensive and evidence-based services and trauma-informed care promotes positive caretaking, reduces inequities, enhances family cohesion, and interrupts the cycle of intergenerational trauma. We recommend expanding the federal Maternal, Infant, and Early Childhood Home Visiting Program (MIECHV) and implementing a two generation approach to addressing ACEs, child abuse, and domestic violence. We also suggest modifying Medicaid and child welfare financing formulas to extend services to parents to address their own experience of trauma.

No. 2—Help schools promote positive school climates, be trauma sensitive, and raise achievement. The federal government should provide significant resources and incentives for states and local jurisdictions to create connected communities and positive school climates that are trauma-sensitive to keep students healthy and in school, involved in positive social networks, and out of the juvenile justice system. Such investments should increase opportunity and close achievement gaps, promote health, resilience, social and emotional learning, and engage the school personnel necessary to effectuate a positive learning environment. We recommend using the reauthorization of the Elementary and Secondary Education Act to support the creation of positive school climates; supporting full-service community schools that include school-based health centers; adopting inclusive disciplinary policies that involve the community; reconsidering school safety strategies and prioritize investing resources in students' emotional health and social connections; providing assistance to school districts in their efforts to prevent and appropriately respond to incidents of bullying; and having the United States Department of Education design and disseminate a practice guide that offers school-wide strategies and best practices for creating trauma sensitive schools.

No. 3—Train educators, health care workers, and other child-serving professionals about preventing and responding to youth violence and trauma. States and other accrediting bodies should support training and certification of child- and youth-serving professionals to effectively respond to children's exposure to violence with a coordinated and trauma-informed approach. Our report urges that school personnel should be trained on implementing effective academic and behavioral practices, such as Positive Behavioral Interventions and Supports and social and emotional learning, and providing pediatricians and staff in community health settings the tools they need to serve traumatized youth.

No. 4—Prevent violence and trauma. Federal, state, and local governments and tribes should increase incentives and expand violence prevention efforts to reduce children's exposure to violence. Research and strategies should be interwoven among the fields of community violence, child abuse, school violence, sexual assault, and domestic violence. Specific policy recommendations are as follows: expanding funding for domestic violence prevention and response services within the Family Violence Prevention and Services Act; providing greater technical assistance to health care providers so they can effectively deliver universal education to parents and caregivers about the impact of exposure to violence on youth and deliver more integrated care to children who may already be exposed to violence; expanding targeted prevention programs focused on healthy relationships among youth developed jointly by the Centers for Disease Control and Prevention and the Office on Violence Against Women; engaging men and boys in prevention; and supporting resilient and healthy communities.

No. 5—Improve intra- and inter-governmental coordination and alignment. Federal, state, and local governments and tribes should better coordinate youth violence prevention and early intervention approaches among themselves and with non-governmental organizations, particularly as it relates to school/community and public/private sector coordination. We recommend the creation of a White House task force to identify specific youth violence and trauma prevention goals, make recommendations on how federal agency resources can be used to meet those goals, and provide guidance to state and local partners. In addition, the federal government should include incentives in relevant federal grant applications for states and localities to demonstrate collaboration in service delivery.

No. 6—Increase the availability of trauma-informed services for children and families. It is time to incentivize and fund states, localities, and tribes to scale up the availability of trauma-informed services for children and their families exposed to violence. These services should support the implementation of two-generation, trauma-informed approaches, coordinate efforts among schools, homes, and communities, and ensure gender-specific and culturally competent practices. We recommend permitting federal entitlement programs to support child trauma assessment and intervention, such as home-based services and crisis intervention, that provide for child well-being, family stability, and community health. The federal government should provide specific support and attention to youth in the juvenile justice system, in foster care, and to those who are homeless.

No. 7—Increase public awareness and knowledge of childhood violence and trauma. Federal, state, and local governments and tribes should support public education and engagement campaigns to increase awareness of the adverse effects of childhood exposure to violence and trauma. The campaigns should describe action people can take to prevent harm, and promote effective solutions. We recommend that the federal government, in coordination with the states, conduct a mass media campaign that highlights the impact of ACEs and helps to reduce the stigma attached to those who seek professional help.

We know that meaningful change will not happen overnight, and we recognize that budgets are tight at all levels of government. However, inaction is not an option—not when tens of millions of children are affected by violence and trauma each year. We know what works. We know that these investments will save money and will prevent many children from suffering. This report provides a blueprint for what needs to be done. It is now up to all of us, as policymakers, educators, advocates, and parents, to take action to ensure that our children's future is bright.

Ms. HEITKAMP. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from North Dakota for bringing up a critically important issue. The need for counseling and mental health resources in our schools cannot be overstated. There are so many kids who appear to be slow learners and have problems that can be traced directly to these issues.

I know that teachers aren't trained to be psychologists and psychiatrists. Many of them are struggling just to teach. So I think the resources that the Senator from North Dakota is talking about are absolutely essential, and I hope her amendment prevails. I will be happy to support it.

Mr. DURBIN. Mr. President, we come together every few years to debate education. Why does the Federal Government get into the conversation about grade schools and high schools? Because 50 years ago we created programs sending Federal money to these schools.

In my State, about 5 percent of all the money spent on education comes from Washington. The rest of it comes from State and local sources. Sending this money to schools was part of a program for accountability back in the 1960s. The problems we faced were largely twofold, problems of poverty and the resulting difficulties that children had in school and problems with racial discrimination. So we tried to resolve these by sending resources to States and holding them accountable if they received Federal money to move toward improving test scores and performance for children and breaking down the walls of segregation.

It is 50 years later. We have tried so many different approaches to this, and under President George W. Bush, a conservative Republican, there was a surprising new approach called No Child Left Behind. What was surprising is that a conservative Republican President actually called for a bigger role of the Federal Government when it came to education.

President Bush felt that we should hold schools and teachers accountable, that we should test to make sure they were making progress, and frankly, call them out if they were not. It was a pretty bold and controversial idea. Now we come together years later in an effort to do it differently. This bill before us, the Every Child Achieves Act, basically shifts the pendulum to the other side and says that now we are going to give it back to the States to measure the performance and progress of schools and intervene where necessary.

I think this is a worthy effort. We may find that we have gone too far in moving it all back to the States and away from the multiple tests that face school districts under No Child Left Behind, but we are engaging in this new approach in the hopes that it will be better and fairer and that more kids in America will get a good education. That is generally why I think we are here on this floor.

There is one aspect of it which I think we should still maintain, and that is the question or issue of accountability. Senators MURPHY of Connecticut, BOOKER of New Jersey, COONS of Delaware, and WARREN of Massachusetts filed an amendment which I have joined with to insert meaningful accountability measures in this bill, including identifying the 5 percent lowest performing schools—high schools where less than two-thirds of the students graduate—and subgroups of students who are not doing well.

There is a concern on the other side of the aisle, and even from some of my friends and supporters, that we are going back to the Federal accountability standards when schools or subgroups are not succeeding. That is not the case with this amendment. It allows the States to still decide which interventions are warranted, but it makes the information public as to how the schools are doing, particularly those that are really struggling, the lowest 5 percent of schools—high schools where two-thirds of the students are not performing. We should know this, and we should hold the States accountable now that it is their responsibility to intervene to make sure that they achieve this. To ignore it and turn our backs on it is not fair. It is to ignore a half-century commitment by this government with the title I program in particular and other programs in our government to really help the States to improve with Federal resources.

We have gone away from overtesting in No Child Left Behind, but let's not reach the point where we ignore the results. Let's hold States accountable. Let them come up with the interventions as required, but let's do it in a way that is transparent so there is accountability. I support this amendment, and I hope it is called up soon.

Mr. President, there is another amendment that may soon be before us offered by Senator BURR of North Carolina that would make changes in the title I funding program in terms of the allocations to States. Title I is the single largest source of Federal funding for elementary and secondary education. It helps States and districts address poverty and the needs of low-income students.

Senator BURR of North Carolina has created a new formula to send money from Washington back to the States. Not surprisingly, his State does very well with that formula, others not so well. The Burr amendment, which we finally saw in writing last night, would be devastating to low-income students in Illinois. It would reduce my State's share of title I funds by $180 million a year. So 28 percent of all the title I funds now coming into the State would be eliminated by the Burr amendment.

Chicago public schools are struggling. Mayor Emanuel, who is in charge of these schools, is trying to resolve decades' old problems with pensions, trying to put the money into the schools, and faces some extremely difficult choices.

Under the Burr amendment, Chicago's public schools would lose $68 million. It is not just about the city of Chicago. Every district in Illinois that receives title I funds for low-income students would see a cut. North Chicago and East St. Louis are the two poorest school districts in the State. East St. Louis is my hometown and where I was born. North Chicago would see a 24-percent cut of money for low-income students, and East St. Louis would see a cut of 18 percent—one of the poorest towns in my State. Rockford would lose $5 million, a 31-percent cut. Rock Island would see a 43-percent cut with the Burr amendment, and Carbondale and Danville, 27 and 20 percent, respectively. Springfield, my hometown, would lose $2 million or 26 percent of their total funds would be cut because the Senator from North Carolina wants to take more money home to his State.

These types of cuts to Illinois, divvied up among districts in other States, isn't a responsible Federal policy for making sure low-income kids in Illinois get a good education. It isn't responsible, and I have to say to my friend and colleague from North Carolina that he is in for a fight. He may think he has chosen just enough States to get a little more money to get a majority together, but my colleagues, at least on this side of the aisle, realize that tomorrow someone else could come up with a little different formula that would be devastating to their own States. This amendment is the most hurtful and damaging amendment that is before us in this bill as far as my State is concerned.

AMENDMENT NO. 2093

Third, there is an amendment from my friend from Minnesota, Senator FRANKEN, called the Student Non-Discrimination Act, also called SNDA. I urge all of my colleagues to support it. SNDA will provide critical protection for LGBT students by explicitly prohibiting discrimination in public schools based on actual or perceived sexual orientation or gender identity.

A few weeks ago the Supreme Court had a historic decision when it came to same-sex couples having the right to marry. While this decision is a major historic achievement, there is more that needs to be done. Students who are or are perceived to be lesbian, gay, bisexual or transgender continue to face extraordinary discrimination.

A recent survey showed that 85 percent of these students reported harassment. The survey also found that these students didn't perform well when they were subjected to this harassment. That is no surprise. Research also shows that these teenagers are four times more likely to attempt suicide, and 40 percent of the homeless students and children in America are LGBT.

I support Senator FRANKEN's amendment. Let's end this discrimination.

Finally, I support the amendment offered by the Senator from Pennsylvania, BOB CASEY, which is based on the Strong Start for America's Children Act, to improve and expand high-quality early childhood education for more than 3 million low-income kids. The Casey amendment would help 100,000 kids in low-income families in Illinois get into pre-K. How important is that?

Well, I am a grandfather and proud of it. We have twin grandkids who are 3½ years old. My wife and I spend a lot of time talking with them and reading to them. These kids are doing just great. They have terrific parents and are heading to pre-K in just a few months. They won't even be 4 years old when they enter the pre-K program in the city of Brooklyn, NY. We are excited about it. We know they are going to do well. Their parents, and maybe even their grandparents, have helped them reach that point.

What BOB CASEY and his amendment try to do is to extend that opportunity to a lot of families—low-income families that may not have the luxury of being able to spend time with their kids the way other families can. Let's give those kids a fighting chance. Let's give them the pre-K education that gets them off to a good, strong start so they can learn and ultimately earn.

I support the Casey amendment, and I hope my colleagues will too.

I yield the floor.

AMENDMENT NO. 2093

Mr. LEAHY. Mr. President, this important debate about how to improve our schools is an opportunity to ensure that children have access to equal educational opportunities. Lesbian, gay, bisexual, and transgender students often face pervasive harassment and bullying in our schools. We must ensure that all children can attend school in a safe and healthy environment. That is why I am proud to support the amendment offered by Senator FRANKEN.

Similar to his bill on this topic, the Student Non-Discrimination Act, this amendment would instill core principles of basic civil rights in our Nation's schools. These are commonsense, fundamental rights that all Americans deserve, particularly children. No person—of any age—should face discrimination because of their race, economic status, religion, gender, gender identity, sexual orientation, or learning abilities.

I have heard from countless Vermont parents about their children being bullied at school and online. I am reminded of the tragic story of Ryan Halligan, an Essex Junction student who took his own life at age 13 after being bullied for his physical appearance. After years of torment, the teasing Ryan endured turned into physical violence. Ryan was harassed online by one of his peers, who took private messages Ryan had sent and showcased them for other students in the school. Ryan was later publically shamed for what he thought was an innocent interaction between himself and a friend.

No child should ever face the needless horror of harassment or bullying. Unfortunately, as many as 7 in 10 students who are, or are perceived to be, lesbian, gay, bisexual, or transgender have been bullied or harassed. But unlike other forms of harassment in our schools, bullying based on gender identity and sexual orientation is often overlooked, and students and their parents have limited legal options to hold schools accountable for discriminatory treatment.

The Franken amendment would extend Federal protections from discrimination in public schools based on actual or perceived gender identity or sexual orientation. The amendment prohibits public school students from being excluded from educational programs on the basis of sexual identity and allows students to take civil action against such discrimination. It also ensures that students who file suit will not face retaliation of any kind. It is a sad reality that discrimination still exists in our country, and that Americans need the powerful anti-discrimination protection of our civil rights laws. But these abuses are happening in our schools, and children are suffering as a result.

What is worse, LGBT youth who face bullying at school do not always have a sanctuary at home. A disproportionate and growing number of runaway and homeless youth are LGBT, often because their families have rejected them. We must ensure that these kids have a safe place to stay, because they are vulnerable to abuse and sexual exploitation while living on the street. That is why Senator COLLINS and I included a nondiscrimination provision in another key piece of legislation, the Runaway and Homeless Youth and Trafficking Prevention Act. This bill would ensure that no child in need of shelter is turned away based on their sexual orientation or gender identity. We cannot protect these children from every injustice they might face, but we should at least ensure that they will be safe in our public schools and federally funded shelters. I will continue to fight for these protections.

I am proud of the many students in Vermont who have taken steps to prevent bullying in their schools and communities. In 2014, Rutland High School students were nationally recognized for their ''Positive Post-it'' campaign, in which small notes of praise and encouragement to fellow students were placed on windows and message boards throughout the school. These young students at Rutland High School should be commended for reminding us all that bullying and discrimination have no place at school. Students across the country are doing their part and we must do ours as well.

Last month, the Supreme Court issued two consequential and historic rulings protecting the basic rights of all Americans to marry and to access housing free from discrimination. Our Nation has come a long way but our work must continue. All Americans, especially our children, deserve the same Federal protections. We have the opportunity to extend this simple principle of basic fairness to children across this country and make our schools safe places for all children to learn. I hope all Senators will support this important amendment.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 2194

Mr. ALEXANDER. Mr. President, on behalf of the Senator from Washington, I ask unanimous consent that the 4 p.m. vote begin now.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question now occurs on the Isakson amendment No. 2194.

Mr. ALEXANDER. Excuse me. My fault, Mr. President.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I got a little ahead of myself. I should have checked with Senator ISAKSON to see if he wished to speak on behalf of his amendment. I see he is now here. Why don't we allow him to do that, and then I will ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the chairman of the committee, and I wish to reiterate my appreciation for what he and Senator MURRAY have done to bring a great bill to the floor.

This is the ultimate local control amendment, which says if a State allows an opt-out, a parent can opt their kid out of testing, and it requires the States to ensure that parents know if opting out is possible. It is a good amendment for children and local control, and I encourage everyone to cast a ''yes'' vote.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I support this amendment, and I thank Senator ISAKSON for working with us on this. I encourage a ''yes'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ALEXANDER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—97

Alexander	Casey	Feinstein
Ayotte	Cassidy	Fischer
Baldwin	Coats	Flake
Barrasso	Cochran	Franken
Bennet	Collins	Gardner
Blumenthal	Coons	Gillibrand
Blunt	Corker	Grassley
Booker	Cornyn	Hatch
Boozman	Cotton	Heinrich
Boxer	Crapo	Heitkamp
Brown	Cruz	Heller
Burr	Daines	Hirono
Cantwell	Donnelly	Hoeven
Capito	Durbin	Inhofe
Cardin	Enzi	Isakson
Carper	Ernst	Johnson
Kaine	Murphy	Shaheen
King	Murray	Shelby
Kirk	Paul	Stabenow
Klobuchar	Perdue	Sullivan
Lankford	Peters	Tester
Leahy	Portman	Thune
Lee	Reed	Tillis
Manchin	Reid	Toomey
Markey	Risch	Udall
McCain	Roberts	Vitter
McCaskill	Rounds	Warner
McConnell	Sanders	Warren
Menendez	Sasse	Whitehouse
Merkley	Schatz	Wicker
Mikulski	Schumer	Wyden
Moran	Scott	
Murkowski	Sessions	

NOT VOTING—3

Graham	Nelson	Rubio

The amendment (No. 2194) was agreed to.

AMENDMENT NO. 2210

The PRESIDING OFFICER. There will now be 2 minutes of debate prior to a vote on Bennet amendment No. 2210.

The Senator from Colorado.

Mr. BENNET. I thank the Presiding Officer.

Mr. President, as the father of three girls in Denver Public Schools and as a former school superintendent, I know there is a lot we can do to streamline tests, but the problem is not the Federal requirement. That is not the real problem. The real problem is the way the Federal requirement works with States and the way the State tests have piled up on the Federal requirements.

That is why States should establish a cap on the total amount of time spent taking these assessments. This target would be State-determined, subject to discussion among parents, teachers, and policymakers. If the district exceeds the policy cap, it would be required to simply notify parents. This is an essential way to respond to concerns voiced by students, parents, teachers, principals, and communities across the country about overtesting.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate?

Mrs. MURRAY. I yield back time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to Bennet amendment No. 2210.

The amendment (No. 2210) was agreed to.

AMENDMENT NO. 2162

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote on Lee amendment No. 2162.

The Senator from Utah.

Mr. LEE. Mr. President, my amendment would clarify that parents—not the Federal Government—are the primary educators of their children. It would ensure that parents may allow their children to opt out of federally mandated tests.

Now, the Senator from Tennessee, Mr. ALEXANDER, is right that States should be free to make their own tests mandatory if they so choose. However, that is not what this bill allows. This bill mandates that States give these

tests and requires them to get the content of such tests approved by the Secretary of Education.

My amendment is silent on the question of State tests. It simply clarifies that tests mandated by this Congress are, in fact, voluntary, and that parents—not politicians or bureaucrats—will have the final say on whether individual children take Federal tests. It also ensures that the Federal Government cannot punish a State by restricting Federal funding for education should parents choose to opt out their children from these tests.

Thank you.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I urge a ''no'' vote. This bill is about reversing the trend toward a national school board. The amendment of the Senator from Utah is about more of a national school board. The Alexander-Murray bill expressly says that a State may decide whether to allow parents to opt out of these tests. The Senator's amendment says: Washington knows best; it will tell States what the policy should be.

That is like common core. Our bill says: We are eliminating the Washington mandate on common core. He would reinstate a Washington mandate on the opt-out policy. I would say this to my Republican friends: Do we only agree with local control when we agree with the local policy?

Art Laffer says: States have a right to be right. States have a right to be wrong. A ''no'' vote is a vote for local control. A ''yes'' vote is a vote for a national school board.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I concur with the remarks from the chairman of the committee and urge a ''no'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. COATS). Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. RUBIO), and the Senator from Alaska (Mr. SULLIVAN).

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 64, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—32

Ayotte	Ernst	Paul
Barrasso	Fischer	Perdue
Blunt	Grassley	Risch
Boozman	Heller	Sasse
Cassidy	Hoeven	Scott
Coats	Inhofe	Sessions
Cotton	Johnson	Shelby
Crapo	Lankford	Toomey
Cruz	Lee	Vitter
Daines	McCain	Wicker
Enzi	Moran	

NAYS—64

Alexander	Franken	Murray
Baldwin	Gardner	Peters
Bennet	Gillibrand	Portman
Blumenthal	Hatch	Reed
Booker	Heinrich	Reid
Boxer	Heitkamp	Roberts
Brown	Hirono	Rounds
Burr	Isakson	Sanders
Cantwell	Kaine	Schatz
Capito	King	Schumer
Cardin	Kirk	Shaheen
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Cochran	Manchin	Thune
Collins	Markey	Tillis
Coons	McCaskill	Udall
Corker	McConnell	Warner
Cornyn	Menendez	Warren
Donnelly	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feinstein	Murkowski	
Flake	Murphy	

NOT VOTING—4

Graham	Rubio
Nelson	Sullivan

The amendment (No. 2162) was rejected.

AMENDMENT NO. 2093

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote on Franken amendment No. 2093.

The Senator from Minnesota.

Mr. FRANKEN. Mr. President, the Student Non-Discrimination Act would extend the same Federal civil rights protections available to other children to LGBT children.

I feel very strongly about this, and let me tell you why. LGBT kids are facing an epidemic of bullying in our schools. Nearly 75 percent of LGBT students say they have been verbally harassed at school. More than 30 percent report missing a day of school in the last month because they felt unsafe.

Sometimes kids cannot endure the taunting. These boys, 11 years old, 13, and 15, committed suicide because they were harassed relentlessly, and they are just three of the many tragic cases. And in case after case, the parents begged the school to do something, only to be ignored. Our laws failed these children, but we can change that. We have come very far on this issue. As a body, we passed ENDA, which protects LGBT adults, but this is about children.

It is our job as adults, not just as Senators, to protect children. Think about the LGBT people you know—your friends, staff, family. Now imagine them as children just beginning to discover who they are but doing so in the face of taunts and intimidation. You cannot get a good education if you dread going to school. My amendment just says that schools would have to listen when a parent says ''My kid isn't safe'' and then do something about it.

I thank the chairman and the ranking member for committing to hold this vote. I strongly urge my colleagues to vote to protect our children.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Minnesota for bringing up the amendment and for the way he has participated in our debate and worked for us to make it possible to get a result.

I am going to ask for a ''no'' vote on this amendment. There is no doubt that bullying or harassment of children based on actual or perceived sexual orientation or gender identity is a terrible problem and has become in some parts of our country even accurately described as an epidemic. But the question is, Is this an argument that is best addressed to the local school board or to the State board of education or to a national school board in Washington, DC?

We have 50 million children in 100,000 public schools and 3.5 million teachers. No more set of issues is more difficult to deal with on an individualized basis in a rural area in Alaska or the mountains of Tennessee or the middle of Harlem than a case of harassment or bullying. Teachers, principals, and school advisors deal with those every day. We do not know more about that than they do. The U.S. Department of Education cannot make regulations for that many different kinds of instances.

This substitutes the judgment of the people closest to the children, who cherish them—substitutes the judgment of Washington bureaucrats for them. It allows the Federal Government to regulate and dictate local school gender identity policies, such as those related to restrooms, locker rooms, and dress codes. It will lead to costly lawsuits.

It is well-intentioned. It is a problem that needs to be addressed, but it should be addressed by the local school board, the State board of education, and not by a national school board in Washington, DC.

I urge a ''no'' vote.

Mr. FRANKEN. Mr. President, may I ask how much time is remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 10 seconds at this time.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak for 30 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. FRANKEN. This isn't about lawsuits; this is about schools doing the right thing when the parents ask. They are the same protections granted to the kids by virtue of their race. That wasn't a local issue; that was a Federal right we had to pass. The same with title IX for girls. That is why we just won the World Cup.

This is the right thing to do. We are adults here. Let's protect children. Let's protect children. This is not about lawsuits. It is about adults, about a parent calling the principal and saying ''My kid is being harassed'' and then the principal will do something—because they aren't. They aren't in many, many cases.

Thank you.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent for 20 seconds to conclude.

Mr. FRANKEN. I object. I am joking.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the question is whether difficult cases of bullying and harassment of whatever kind in 100,000 schools with 50 million children are best handled by the judgment of men and women close to the children, close to the circumstances, or by Senators in Washington and Federal employees in the U.S. Department of Education.

I believe this legitimate concern should be addressed by those who are closest to the children because they cherish the children more and they will care for them.

I urge a ''no'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. RISCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—52

Ayotte	Heinrich	Murray
Baldwin	Heitkamp	Peters
Bennet	Heller	Portman
Blumenthal	Hirono	Reed
Booker	Johnson	Reid
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Kirk	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Collins	Markey	Udall
Coons	McCaskill	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murkowski	
Gillibrand	Murphy	

NAYS—45

Alexander	Enzi	Paul
Barrasso	Ernst	Perdue
Blunt	Fischer	Risch
Boozman	Flake	Roberts
Burr	Gardner	Rounds
Capito	Grassley	Sasse
Cassidy	Hatch	Scott
Coats	Hoeven	Sessions
Cochran	Inhofe	Shelby
Corker	Isakson	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	McCain	Toomey
Cruz	McConnell	Vitter
Daines	Moran	Wicker

NOT VOTING—3

Graham	Nelson	Rubio

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Delaware.

Mr. COONS. Mr. President, as the Senate this week considers the first major reform bill for our Nation's public schools in over a decade, I rise to talk about how we can ensure that every one of our country's children goes to a great school no matter his or her ZIP Code or background. Our Nation has long struggled to fulfill our fundamental promise of equal opportunity since our Nation's founding. It is a struggle that, despite many efforts, continues today.

Fifty years ago, as America fought to break down racial barriers in our Nation's classrooms, President Lyndon Johnson signed the Elementary and Secondary Education Act into law. This civil rights act recognized that without actively investing Federal resources in educating America's underserved children, their dreams would remain tragically deferred.

Since then, our country has continued to struggle with this fundamental civil rights challenge. And five decades after Johnson's landmark law and 14 years after President Bush revamped it with the bipartisan No Child Left Behind Act, we still haven't found a way to ensure that as a nation, we hold every school to the high standards our children deserve.

This week marks the latest effort in this long struggle. The Senate's reform bill, titled the ''Every Child Achieves Act,'' makes important strides to improve what went wrong in 2001's No Child Left Behind. I would like to start by commending Senator PATTY MURRAY and Senator LAMAR ALEXANDER for accomplishing what has eluded the Senate for so many years—a truly bipartisan compromise that deals with some critical but often divisive issues at the heart of America's public schools. They have worked tirelessly on this bill because they understand the urgency of our national education crisis.

In the wake of No Child Left Behind's Federal micromanagement of schools, this bill heeds an important lesson: Communities need to have some flexibility and some space to innovate and find their own solutions to their education problems. But I would urge my colleagues that as we work together to fix many of the law's weaknesses, we not lose sight of some of No Child Left Behind's important accomplishments.

For all its many problems, it exposed uncomfortable realities in America's classrooms and empowered policymakers with real data that simply did not exist before. Most importantly, it refused to lower our Nation's expectations of any school and demanded that every child in America gets the education he or she deserves.

In our drive to decrease the law's rigidity and address its many other challenges, we must maintain those high standards and continue to hold States and school districts accountable. Unfortunately, if it passed today, the Every Child Achieves Act would turn back the clock to a time when local control too often meant national indifference. It would risk letting too many of our children fall through the cracks.

I, myself, have seen how this indifference can hurt America's students. For 20 years, I was actively involved with the national ''I Have a Dream'' Foundation, which works to send some of our country's most at-risk students to college. I had the opportunity to visit schools all over the United States, in some of our most stressed and challenged neighborhoods and some of our most struggling and difficult schools. When I met with students during those visits and asked them about their vision for their own future, while many wanted to become teachers, doctors or scientists, too many others did not believe those kinds of careers could ever be within their grasp.

This, to me, illustrated the twin tragedies of our public education system; the fact that for many students with big dreams, their schools will not give them the chance to realize them, while for too many others, dreams long dead in their families and communities had taught them that daring to dream at all was futile.

These students had fallen victim to what President George W. Bush so accurately described as the ''soft bigotry of low expectations.'' They had internalized the failings of the system around them to mean they were not worth investing in, so they might as well just give up from the beginning.

There are two ways I believe we can and should improve the Every Child Achieves Act to change that message, to raise the expectations we communicate to kids from the day they are born to the day they enter the classroom, to the day they graduate.

The first way is to pass amendments that strengthen Federal accountability provisions and shine a brighter spotlight on the small fraction of our schools that fail our children. Simply put, we cannot allow ourselves to lower our expectations for any of America's schools.

I know for many of my colleagues and for teachers and students around the country, the very word ''accountability'' in the context of education is

associated with high-stakes testing and unfunded mandates, but it doesn't have to mean either of those things. Accountability means holding every school and every child to the same high standards because our public schools must work for every student no matter where they are, where they come from or how they learn. Accountability means not allowing schools to maintain the status quo when they fail to graduate large segments of their students. Accountability means refusing to lower our expectation even when the path forward seems hard.

We have already seen what accountability can accomplish for our children. Over the past decade, all students, but particularly disadvantaged students, have graduated at higher and higher rates and are performing in math and reading better than ever before. The national high school graduation rate is currently 81 percent, its highest level on record. Since 2003, the reading gap between Black and White fourth graders has closed by 16 percentage points, and over the same period Hispanic eighth graders have closed the gap in math by 24 percentage points.

Federal accountability is a critical part of ensuring we invest in all American students as if they were our own children. I urge my colleagues to support Senator MURPHY's amendment, which I am proud to join and cosponsor. This amendment would strengthen accountability in this bill by requiring States to identify low-performing schools and tailor interventions to help them improve their performance. It also ensures that schools set high goals for—and pay attention to—all students, including students with disabilities, low-income students, English language learners, Latino and African-American students.

The second amendment I wish to address takes on another piece of increasing expectations of urging every one of our children to dream. That amendment is based on my bipartisan bill called the American Dream Accounts Act with Senator RUBIO, and it would send the important message to low-income students that a college education can be within their grasp.

For too long, college has been out of reach for the vast majority of poor Americans, but unlike in past decades, economic success today is defined by college access. With the new global economy, Americans with just a high school diploma earn literally $1 million less over their working lives compared to those who go to college. Yet too many of our students who need it most are not given the tools, the resources, and the information to complete a college education.

As the administration has pointed out, just about 1 out of 10 children from low-income families will complete a college degree by the time they are 24—just 1 out of 10. The American Dream Accounts Act is designed to address and break down many of the barriers to college access that our most at-risk students face in seeking higher education. They encourage partnerships between schools, colleges, nonprofits, and businesses to develop secure, Web-based individual student accounts that contain information about each student's academic preparedness, financial literacy, connects them to high-impact mentoring, and is tied to an individual college savings account.

Instead of having each of these different resources available separately through separate silos, an American dream account connects them across existing separated programs and across existing education efforts at the State and Federal level. By connecting across these different silos, it deploys a powerful new tool and resource for students, parents, teachers, and mentors.

Many of the kids I worked with over many years at the ''I Have a Dream'' Foundation have grown up in schools, communities, and families where almost no one around them had the opportunity for a college education. These kids took that to mean college just wasn't for them, that it shouldn't be a part of their plan for their future.

As part of that organization, it was our job to change that perception, and I saw time and again how sending the message that college was a possibility from elementary school on had a powerful and compounding positive impact on these students' ideas of whom they could be and what they could achieve. It demonstrated that exciting and engaging not just young students but their parents, teachers, and an array of mentors has a cumulative, powerful, positive impact.

The American dream accounts would expand on this idea and use modern social networking technology to bring together existing programs and deliver ideas that will work for more and more of our kids. The good news is that by utilizing existing Department of Education funds, this legislation would come at no additional cost to taxpayers.

I urge my colleagues to support my amendment with Senator RUBIO. It is amendment No. 2127, and it would authorize a pilot program to begin making the American dream accounts a reality.

We have an opportunity right now to build on the bill that Senators MURRAY and ALEXANDER wrote to reform our public schools in a way that communicates to every child in every public school that they deserve a high-quality education, the kind of education that tells them not only that they should have dreams but that those dreams are within their grasp.

Mr. President, 55 years after U.S. marshals escorted first grader Ruby Bridges to school, the nature of and need for Federal intervention in public education has surely changed. While schools are no longer closed to certain races by law, too many students are dropping out of school too early or just not receiving an education that prepares them for college and future success.

So while educational inequality is no longer a story of deliberate, legalized racism in need of Federal intervention, it is, unfortunately, still a persistent and tragic national reality that afflicts classrooms from coast to coast.

We have made significant progress due in part to a bipartisan national commitment to raising the bar for all of America's children. We cannot allow ourselves to lower it once again.

I look forward to continuing this important debate and working with my colleagues to make sure this bill strikes the right balance between Federal oversight and local flexibility. We must work together to make sure this bill moves us closer toward the goal President Johnson reached for when he first signed the Elementary and Secondary Education Act into law.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. President, I now ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 27, Calendar No. 28, Calendar No. 29, Calendar No. 30, and Calendar No. 31, and that the Senate proceed to a vote without intervening action or debate on the nominations; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative action.

The PRESIDING OFFICER. Is there objection?

The Senator from Arkansas.

Mr. COTTON. Mr. President, reserving the right to object, and I will object.

The reason we should not confirm new judges to the Court of Federal Claims has little to do with these nominees and more to do with the court itself. It doesn't need new judges. We should keep in mind that the number of active judges authorized for the Court of Federal Claims by statute, 16, isn't a minimum number, it is a maximum. It is our duty as Senators to determine if the court needs that full contingent and to balance judicial needs in light of our obligation to be good stewards of taxpayer dollars.

What the caseload data shows is that the court does not need all 16 judges—far from it. As we can see from this chart, since 2007, the court's caseload has dropped dramatically and consistently every year. Last year, the court had 2,528 cases on its docket. That is 51 percent fewer than in 2011 and 68 percent fewer than in 2007, when the court had 7,185 cases on its docket.

Today, a full-time judge on the court is responsible for an average caseload of 180 cases. That is far less than the average caseload of 324 cases in 2011 and the average of 488 cases in 2007.

In light of the dramatic drop in caseloads at the court, it is hard to justify

spending more money to confirm additional judges. The court currently also uses a contingent of six senior judges who have retired from active status but can continue to hear cases. While there are currently only 11 active judges, there are actually a total of 17 judges at the court hearing cases.

Furthermore, we should understand that senior judges receive a lifetime annuity worth a full-time salary regardless of whether they handle cases. If the Senate confirms the five nominees, this will expand the number of judges receiving a salary at an extra cost of $800,000 every year.

The bottom line is that there is no caseload crisis at the Court of Federal Claims. If anything, there is a caseload shortage. It therefore makes no sense to spend more taxpayer dollars on judges that the court simply does not need. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COONS. Mr. President, I ask my colleague from Arkansas, through the Chair, first, if we cannot receive consent to take up these nominations which were made over 15 months ago as a group. I wish to briefly describe one of the truly exceptional candidates. If I might also, I think it is important for all of us in the Chamber to recognize that the Court of Federal Claims, while the actual number of cases considered may have decreased, faces a steadily increasing number of complex cases which are subject to statutory case management deadlines that drive the workload of the court and have roughly doubled in recent years from 68 back in 2005 to 113 last year and likely double that this year. So the actual number of cases may be declining, but their complexity and their workload, because of the need for them to be resolved in a certain period of time, have steadily increased, and I will simply suggest to my colleague from Arkansas that looking more broadly at the workload would suggest some of these nominees are worthy of consideration and confirmation.

I will briefly reference one of the five pending nominees, Jeri Somers, who has spent a decade at the DOJ civil division as a trial attorney but recently retired, having served in the U.S. Air Force Reserves as a lieutenant colonel, having spent two decades as a judge advocate and a military judge in the U.S. Air Force. She is a patriot, a veteran, a highly qualified attorney, and I will simply inquire of my colleague, through the Chair, whether any of the five nominees might be subject for consideration for confirmation today.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, I have to object. Again, this is not so much about a particular nominee but the fact that the Court of Federal Claims is operating with 11 active judges, and when you include the senior judges ready, able, and willing to hear cases, they have more than 16 judges allowed by statute, and those judges will continue to receive their salary even if we confirm any of these new judges.

Furthermore, as someone who has practiced at the Court of Federal Claims myself many moons ago when I was a lawyer, albeit not a very good one, I know the caseload there has always been complex, and I simply think the judges who are at the court are ready, willing, and able to handle the court's work. Therefore, I must object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Delaware.

Mr. COONS. In conclusion, we have a range of highly qualified nominees. Armando Bonilla would be the first Hispanic judge to hold a seat and has been with the Department of Justice. Thomas Halkowski, a third pending nominee, is a respected partner at Fish & Richardson in Wilmington, one of the preeminent IP law firms in the Nation, and has a wealth of experience at a variety of different Federal courts. I think all three of the nominees I referenced today will make excellent additions. While my colleague and I view the caseload differently, I think the President has nominated able and capable nominees and the court needs and deserves to not have to rely on senior status judges to meet its constitutional and statutory obligations.

So, with that, I will yield the floor, although I will not yield on the issue.

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2095

Mr. PETERS. Mr. President, I rise to speak in support of the Peters amendment No. 2095. Financial literacy has been defined as the ability to use knowledge and skills to manage financial resources effectively for a lifetime of financial well-being. Unfortunately, too many American families, both parents and their children, lack basic financial skills. Recent studies have shown that future generations are likely to be less financially stable than those who preceded them.

Just last year, the FINRA Investor Education Foundation conducted a survey and found that millenials engaged in problematic financial behaviors and expressed concerns about their debt. To address this issue, a number of States have included financial literacy as a core component of high school education.

A separate FINRA study found that credit scores significantly improved and delinquency rates on credit accounts were reduced in States with financial literacy education. For example, that study found that credit scores improved by 11 points in Georgia, 16 points in Idaho, and 32 points in Texas.

There is a clear need for practical education programming for both parents and students, and we should provide States with the flexibility to provide this programming. That is why I have filed amendment No. 2095. The Peters amendment will include family financial literacy programming as an allowable use for title I parent and family engagement funding.

Family financial literacy programming can ensure our Nation's parents and children have the skills necessary to properly utilize credit, finance an education, manage a household budget, and plan for retirement.

I believe we must do all we can to help our Nation's parents and students succeed in every aspect of their lives.

I thank Senator MURRAY and Senator ALEXANDER for their leadership on this bill and for their willingness to work with me on this amendment. I hope my colleagues will join me in supporting the Peters family financial literacy amendment No. 2095.

Mr. President, in addition to my financial literacy amendment, I was happy to work with the chairman and ranking member to include language in the text of the bill that will help us identify and assist our most vulnerable children. The term ''dual status youth'' refers to children who have come into contact with both the child welfare and juvenile justice systems.

A growing body of research has shown that dual status youth experience poor educational performance, higher recidivism rates, and higher detention rates. Many at-risk children lack stable home lives, and they are frequently funneled through the school-to-prison pipeline. I am glad the Every Child Achieves Act now includes language that would encourage States to identify dual status youth and improve intervention programs in order to reduce school suspensions, expulsions, and referrals to law enforcement.

I was also pleased to join Senator GARDNER in introducing an amendment to allow title I funds to be used to support concurrent and dual enrollment programs at eligible schools. This amendment would enable high school students to simultaneously receive college credit from courses taught by college-approved teachers in secondary education. With the cost of higher education continuing to grow, helping students get a head start on completing their college courses helps them save money and get ahead.

I am proud that this body approved the Gardner-Peters amendment last week. This provision will make the dream of higher education more accessible to students in Michigan and across the country.

WORKING AMERICANS AND OVERTIME PAY

Mr. President, I wish to speak at this time in strong support of plans to increase our Nation's overtime pay threshold for the first time in over a decade and restore meaning to a threshold that has significantly eroded over the last 40 years.

In 1938, Congress passed the Fair Labor Standards Act and President Franklin Delano Roosevelt signed the bill into law. This landmark legislation represents an important promise that is as true today as it was 77 years ago—that if you work hard and play by the

rules, you will have a secure future. Ensuring fair overtime pay for employees is one of the most critical components of the Fair Labor Standards Act. It ensures that hard-working Americans are able to make an honest wage for their hard work. For middle-class families, who are the backbone of our country, and for those families working hard to get there, we must protect the important safeguards put in place by the Fair Labor Standards Act.

I personally learned the value of hard work and the importance of protecting labor standards for all Americans from my mother, Madeleine. Born a French citizen, she met my father during World War II, married him, and moved to this country. She later worked as a nurse's aide. While she enjoyed working with her patients, she did not like the way she or her coworkers were treated by their employer, so she fought for a better workplace and ultimately to win union representation. She later went on to serve as a union steward.

A strong labor movement nationwide helped build economic opportunity for millions of Americans just like my mother. Standing together to call for fair wages, safer work places, and better hours, American workers and their families helped build the American middle class and make the American dream a reality for regular folks.

The strong protections of the Fair Labor Standards Act helped ensure that American workers have a minimum wage, a 40-hour workweek, and overtime pay. Unfortunately, we have allowed these protections to fall behind present-day needs. Today, growing income inequality and stagnant wages are a serious threat to our middle class, to our economy, and to our democracy.

Americans are working harder and harder only to fall further and further behind, receiving less and less pay for their long hours. Middle-class families are struggling to stay afloat, and those who aspire to be in the middle class are finding it more and more difficult to achieve.

Today, some employees are required to put in 50 or 60 hours or more a week and are not receiving any overtime pay for their efforts. Our Nation's overtime pay rules are long overdue for an update. Decades of inflation have outpaced the current overtime pay threshold of $23,600 and eroded the value of an honest paycheck for millions of hard-working Americans. This means a worker earning only $23,600 gets paid the same whether they are working 40 hours or 60 hours in a week. That is simply unacceptable. This is not a fair wage, and it is not the American dream we fought to secure for generations.

If we are truly committed to building a strong American economy, then we have to make sure American families can thrive. Raising the salary threshold for overtime pay will help nearly 5 million workers across the country and as many as 100,000 workers in Michigan earn better wages for their hard work.

The pillars used to build and grow our middle class and support our democracy are in jeopardy of crumbling if we do not stand up and protect them. The American middle class and those who aspire to be in it are the heart and soul of our country, and we have an obligation to help every family nationwide realize their version of the American dream.

My home State of Michigan is the birthplace of our Nation's auto industry, where American workers and their families helped build the middle class and make the American dream a reality for millions of people. We owe it to our future generations to preserve this legacy.

I know there are some who do not believe we should update the overtime pay rules. They will oppose this rule saying it is a harmful attack on our Nation's business community. Well, I strongly disagree with that position.

Prior to coming to Congress, I worked in business for more than 20 years and I hired many people. I found that paying employees a fair wage is the best way to ensure a happy and productive workforce. It is good business, and it is the right thing to do. Providing a fair paycheck to hard-working Americans so they can build their family and own a home and help save for their children's college education as well as enjoy a secure retirement is good for business and it is good for our country. Workers who are paid fairly for their work are able to spend their hard-earned money in their communities, creating new customers for local businesses and in the process help our economy grow. If we invest in American workers—the best and brightest in the world—we will get a strong return on that investment.

Enforcing the Fair Labor Standards Act gives American workers a fair wage for a fair day's work, and it will help keep the possibility of the American dream alive. We must do what is right for our workers. Updating the overtime pay rule will give millions of Americans a wage increase that they have earned and provide economic stability and security for hard-working families, while boosting our economy.

I am proud to support these efforts, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

NUCLEAR AGREEMENT WITH IRAN

Mr. THUNE. Mr. President, I wish to begin by taking a few moments to discuss the nuclear deal with Iran that was announced this morning. While I am still reviewing the intricacies of the deal, right now I am deeply skeptical that this agreement will prevent Iran from acquiring a nuclear weapon.

The Obama administration appears to have capitulated on almost every redline it established at the outset, and I have strong doubts about whether the final provisions requiring inspections and curtailing enrichment and research and development are strong enough to be effective.

Another significant concern is the fact that removal of sanctions will give Iran access to billions of dollars and other resources to fund its campaign for increased regional influence, which includes proxy wars and material support for terrorist organizations. In fact, if we look at almost anywhere in the Middle East, whether it is Hezbollah in Lebanon or Hamas in the Gaza Strip or the Houthis in Yemen or the Shia militias in Iraq, they all trace their lineage back to and are proxies for Iran.

I am deeply concerned about the fact that the deal creates a timeline for lifting the embargo on conventional and ballistic weapons without requiring Iran to change its behavior in any meaningful way. Given that Iran is the world's leading state sponsor of terrorism and is already intervening in conflicts in the region, the last thing we should be doing is expanding Iran's access to weapons.

In the lead-up to this agreement, Members of both parties expressed their concerns about the direction this deal was headed, and the release of the final document has confirmed many of those fears. Unfortunately, the President is apparently unwilling to listen to Members of either party, and in his speech this morning he threatened to veto any legislation that would prevent his deal from going into effect. Well, that is very disappointing, and it lends credence to the concern that the President is more worried about securing his political legacy than he is about actually preventing Iran from acquiring a weapon.

Regardless of his veto threat, Members of both parties will carefully examine this deal and continue to do everything we can to ensure Iran never acquires a nuclear weapon.

Mr. President, I wish to speak as well this week about what the Senate is currently doing. The Senate is taking a huge step forward on education.

Nearly 8 years after No Child Left Behind expired, Congress is finally taking up legislation to reauthorize Federal K–12 education programs. While the law's focus on improving education for our students was laudable, No Child Left Behind must be updated. The Every Child Achieves Act—the legislation we are considering this week—will restore control of education to the people who know students best: teachers, parents, and local school boards.

Just 10 percent of education funding each year comes from the Federal Government. Despite this, the Federal Government has a huge oversight role in education. Every day, teachers and administrators and students have their day shaped by a host of Federal mandates, from testing requirements to precisely what to do if a school is deemed ''failing.''

Federal control of education has reached its peak in recent years, with the Federal Government going so far as to coerce States into adopting its preferred curriculum and educational standards.

No Child Left Behind demanded that schools meet a number of benchmarks to be judged as adequate. Failure to meet these requirements would result in a school being labeled as failing. Unfortunately, the rigid nature of these standards meant that many schools

were at risk of being labeled as failing. In response, States have made it a habit to apply to the Federal Government for waivers from the terms of the law so they can avoid the burdensome requirements that come along with the ''failing'' label. The Obama administration has generally complied—but with Federal strings attached. Essentially, the administration informs States that it is happy to grant them waivers as long as they agree to implement the Federal Government's preferred academic standards, adopt the Federal Government's preferred method of evaluating teachers, and take the steps the Federal Government believes are the appropriate steps to address failing schools.

Neither Congress nor the administration should be telling States and local communities what to teach in their schools. Decisions about education should be made by those who actually educate students, not by a group of bureaucrats or politicians in Washington, DC.

As any teacher will tell us, education is not a one-size-fits-all proposition. Even within a single classroom, students are likely to come from a wide variety of backgrounds and experiences and have different learning styles. Teachers are constantly adapting their methods and material to meet the needs of the particular students they have in front of them. That is a lot harder to do when Washington is dictating those methods.

The legislation we are considering today—the Every Child Achieves Act—will revoke the Federal Government's authority to dictate standards to the States. Specifically, this legislation explicitly prohibits the Federal Government from tying Federal funds to a State's adoption of specific educational standards. In other words, the Federal Government will no longer be able to blackmail States into adopting its preferred academic criteria.

This is a huge victory for students and for teachers. Thanks to this legislation, States and localities will have much more freedom to adopt the standards and curricula that will help their students achieve.

Another one of the problems created by No Child Left Behind, as any parent or teacher will tell you, is the phenomenon of overtesting. I have received hundreds of letters this year from teachers and parents concerned about the effect overtesting is having on students' education.

While NCLB only required two or three tests per year, the law made these tests the primary indicator of a school's performance, which resulted in many schools deciding to teach to the test. The result? Not surprisingly, instead of teachers deciding what is important material based upon their knowledge of their subject, teachers' instructional priorities are often dictated by the material they think will be on the required tests. As a result, students may never receive instruction in important topics or concepts simply because they are not covered on the tests. In addition, instead of one or two yearly tests required by law, students are subject to months of preparatory testing in order to make sure the school maintains its ranking by gaining acceptable average scores on the mandated tests.

It is undoubtedly true that the tests, including standardized tests, can be incredibly useful in the teaching process both as a diagnostic tool and as a measurement of student progress, but problems arise when tests become the only measure of progress.

The Every Child Achieves Act keeps the testing requirements of No Child Left Behind but gives States the option to give a single comprehensive test, as they do now, or break up the assessment into smaller components that can be given throughout the school year.

Most importantly, the Every Child Achieves Act removes test results as the primary indicator of a school's performance. In fact, it takes progress measurements out of the hands of the Federal Government entirely and gives them to the States. Under this bill, States, not the Federal Government, will be the ones developing accountability systems to measure schools' effectiveness. Instead of a one-size-fits-all Federal standard, each State will be able to identify the best ways to chart the progress of its schools and measure student performance.

In addition, the Every Child Achieves Act removes the Federal Government's national teacher evaluation requirements and allows States to decide whether and how to measure the effectiveness of their teachers.

I have offered several amendments to the Every Child Achieves Act, including two very important measures to address the tragic rash of student suicides that has beset Indian Country over the past several months. The first of these amendments would require the Secretary of Education to coordinate with the Secretary of the Interior and the Secretary of Health and Human Services to report on their Federal response to these suicides, compile and analyze available Federal resources, and make recommendations for improving Federal programs. The second measure would strengthen the Project School Emergency Response to Violence Program—or Project SERV—to help schools prevent tragedies such as youth suicide. I am hopeful that the Senate will pass both of these measures.

I am also pleased that the underlying bill contains important improvements that I championed to the Federal Impact Aid Program—a program that provides districts with revenue to make up for nontaxable Federal activity in school districts.

The reforms contained in the Every Child Achieves Act have been a long time coming, and they have been greeted eagerly. This bill is supported by everyone from the school superintendents organization, to the National Governors Association, to Teach for America. And, of course, this legislation is strongly supported by both Republicans and Democrats in the Senate.

One big reason a No Child Left Behind reauthorization has moved from legislation no Member of Congress wanted to touch to the bipartisan bill that is before us today is Republicans' commitment to restoring regular order to the Senate. We have restored the committee process and ensured that Members of both parties are able to make their voices heard through amendments. The result is legislation like the Every Child Achieves Act—a bill with strong bipartisan authorship and strong bipartisan support. I hope we will have many more achievements like this in the Republican-led Senate this year.

We need to get control out of the hands of Washington bureaucrats—people who have never been to South Dakota, much less a South Dakota school. They shouldn't be telling South Dakota teachers what to teach. The legislation before us today will help strengthen education in this country by putting decisionmaking about education where it belongs—in the hands of State and local school districts. I look forward to the Senate passing this bill later this week.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from North Carolina.

Mr. BURR. Mr. President, I thank my colleague from South Dakota for highlighting the real benefits of doing away with No Child Left Behind, breaking down the national school board, and saying to States and localities across this country: We ought to put you in charge of K-through-12 education.

That is where the responsibility needs to be. That is where we will have decisions closer to students. And I don't think there is disagreement among Members of the Senate or Congress or Republicans or Democrats or people from the North or the South—we want to make sure K-through-12 education works. Every child should get across the goal line to graduation, and every child with a diploma should be marketable either to higher education or to a job with a skill that has a paycheck.

I will say that the Federal Government's role is not to micromanage the education system; it is to be a financial partner to K-through-12 education, to be a partner without strings, and to be a partner that provides equity across the board.

So I am here to talk about the Full Education Opportunity Act of 2015, which I hope will be an amendment to this bill. Title I-A is the Federal Government's central financial assistance to 21 million poor children in America. They attend school districts with high levels of poverty, and the kids come from low-income families. They define exactly what the Federal Government

should be focused on. It has served as the cornerstone of the Federal Government's education funding for K through 12 since elementary and secondary education was first signed into law in 1965. At the bill signing, President Lyndon Johnson said that the assistance provided under ESEA would serve to assist in the ''full educational opportunity'' of low-income students and to provide ''financial assistance to school districts serving areas with concentrations of children from low-income families.'' That summed it up in two sentences. That is what the Federal Government's funding source was designed to meet.

So what has happened since 1965? Like every other funding formula in the Federal Government, as the population shifted somewhere else in the country, money never seemed to follow it.

We had this debate several years ago on HIV-AIDS when we woke up one day and realized how much we were investing in the war against HIV-AIDS to keep people alive and find a cure, and we found towns like Washington that were getting a phenomenal amount of money but their HIV-AIDS population had gone down, and throughout rural America, we had an explosion of HIV-AIDS, primarily in African-American women. We worked and we worked and we worked, and we finally changed the legislation to reflect what the intent was so that the money followed the population it was intended to help. Today, there are individuals across this country in rural America who are now getting the drugs they need to either hold in check the disease or in hopes to slow its progression.

Well, I am here today because in 1965 Lyndon Johnson said that is the Federal Government's role—to make sure we target low-income families, kids in poverty.

Despite recognizing that these formula funds were not fully targeted at high-poverty areas, Congress has simply taken the easy route and added more formulas to title I-A in hopes that by putting more formulas out there, eventually it would help the people who were affected. Well, what it has done is it has compounded the problem.

The inadequacies in how we target poverty today just aren't right. My amendment attempts to end this practice and creates a simple, highly targeted program toward poverty with a new formula.

First, what does it do? It is important to make clear that this amendment only addresses title I formulas. It is not the overall funding—that is for appropriators to determine—but it is to structure the formula.

I am a strong supporter of title I funding, and I believe, regardless of the amount at which title I is funded, it should be distributed fairly and targeted to its intended population, which is kids in poverty, low-income families. Simply adding more funds still allows the inequities in the formula to persist. That is why I am attempting to fix the formula once and for all.

This amendment consolidates all of title I's formulas into one simple formula called equity grants. Let me say this. It simplifies I-A so that the calculation, put very simply, is equity grants equal the State's number of poor children times the national average of educating each child. It ends the policy that awards a wealthy State with title I money simply because they are able to spend more on education and therefore they get a higher allotment as a result. For decades, this has penalized poorer States that spend high shares of their tax revenue on education but don't spend as much in absolute terms as wealthier States. This change ensures that poor children born in a poor State aren't penalized because of their ZIP Code and for not living in a wealthy State elsewhere in the country.

Why will equity grants work and where are they targeted? Very simply, this formula takes the number of low-income children in a State, multiplies that by how equitably a State spends its own money on helping low-income children, and then sends the amount to the school district in the State, while placing heavy weights on the school districts that exhibit the highest levels of poverty—embraced in the 1965 initiative of President Johnson.

Current law rewards States that spend a much higher amount of money on their students than poorer States that, despite spending large shares of their overall budget on education, cannot compete with wealthier States in absolute dollars. Essentially, as long as you are above the national average in spending, you get a very large title I bonus payment. For example, the national average per-pupil education spending in the country is $11,014. For States such as Pennsylvania, it is $13,864; Massachusetts, $14,515; and Connecticut, $16,631 per pupil. This has been a pretty good deal for them. For States such as Mississippi, it is $8,130; North Carolina, $8,090; and Utah spends $6,555—not so good a deal. Who gets cheated? The kids in poverty, kids from low-income families.

Rewarding wealth over poverty is also contrary to the original purpose of title I-A funding. This has a real impact on how much a formula child will receive based upon the State in which he or she lives. For example, a child in Guilford County, NC, is only worth $1,128. A poor child in Albuquerque, NM, is only worth $1,158. A poor child in Seattle is only worth $1,240. On the other hand, a poor child in Philadelphia is worth $1,986. A poor child in New Jersey is worth $1,838. A poor child in Boston, MA, is worth $1,847. This is a highly inequitable and unfair formula to the poor children in most States. Because of the changes in this amendment, these disparities go away. They are almost completely eliminated.

Eliminating this provision has been suggested by organizations like the Center for American Progress, the Formula Fairness Campaign, the Rural School and Community Trust, and others. These are not conservative groups. These are very left-of-center groups who said equity is important.

No States should get a bonus payment just because they spend more or they are wealthy. The focus since 1965 was supposed to be kids in poverty. If you have more kids in poverty, you should receive a larger Federal share.

This amendment also addresses the bonus that very large districts that might have small numbers of poverty have enjoyed. Under the current law, a district must meet a $6,500 formula child threshold to receive concentration grants. This has typically resulted in purely large and not necessarily high-concentration impoverished districts receiving large grant awards. This hurts smaller, mostly rural districts with large percentages of poverty but not necessarily high numbers. To fix this, we impart a 20-percent poverty test within the equity grant for large districts to show that they have a concentration of poverty.

Now, this is a novel approach. We have a formula that is targeted to be a Federal partner in money, targeted at kids in poverty, and all of a sudden we are asking them: Show us that you have that population. Under the current law, districts also receive title I-A dollars for merely meeting a small threshold of 10 formula kids or just 2 percent of their overall population being poor.

This has meant that schools in Loudoun County, VA—I am sure there are some in here who might have graduated from Loudoun County schools or have kids in Loudoun County schools—have only 3 percent poor children. It is one of the wealthiest counties in America. It receives about a $1 million as part of an overall nearly $1 billion budget. This is about half the entire spending of the State of South Dakota, which the previous speaker is from.

Now, should he be cheated because they do not spend as much as Virginia, though he has kids in poverty, low-income families, individuals to whom in 1965 the Congress and the President said: This is who we should target—we the Federal Government on behalf of taxpayers. Well, this hurts smaller, rural districts with large percentages of poverty but not necessarily high numbers.

Under current law, it is not going to change. We should do our best to send the money to districts in States that are truly in need by focusing the formula on poverty. Now, sometimes it is easier to see than it is to listen. This is the amendment—the Full Educational Opportunity Act. What do we do? It treats all low-income children the same. I think that is what the Federal Government is supposed to do—to target the poorest communities. That was the spirit of the 1965 law—to prioritize equity, meaning everybody should be

treated equal, that you should not disadvantage a poor child in one area to advantage a system in another area.

Is it fair? A title I child versus a title I child? Denver, CO, $1,218; Boston, MA, $1,847; Miami, FL, $1,212; Philadelphia, PA, $1,986; Albuquerque, NM, $1,158; New Haven, CT, $1,717; Portland, OR, $1,292; Camden, NJ, $2,083; Seattle, WA, $1,240; New York City, $1,839—if I am over here, I think this funding formula is awfully good because we are getting rewarded whether we have poverty kids or not.

Over here, who is being hurt? It is not the States. People have come down to the floor, and they have beaten me up on this amendment for the last few days. Oh, how could you do this? How could you take away something that we have already got? It is real simple. You don't have low-income poverty kids or at least you don't have as much as here. If you did you would qualify under the new formula.

But it gets worse. Fair? Florida has the same number of low-income students, 690,000, as New York, 686,00. What is the distribution of title I funds? It is $774 million, $1.1 billion—the same population but New York receives $400 million more than the State of Florida. How can that be fair? Now, you can be greedy and say: We deserve it; that is what the formula said. You cannot punish us because this is not equitable.

Well, maybe we can. But for once, Congress can do the right thing and fix the formula. That is all I am on the floor attempting to do with my amendment—to fix it. Since 1965 we have not had the backbone to do it when we figured out it was wrong. Well, when we see this, if it is targeted for low-income kids and they have the same numbers, they ought to get the same money. But no, some believe that $400 million is worth it because they have always gotten more.

Here is New Mexico versus Massachusetts. There are 107,000 low-income students in New Mexico and 80,000 low-income students in Massachusetts. New Mexico receives $116 million. Massachusetts receives $116 million. It is the same amount of money, but there are 27,000 more low-income poverty kids in New Mexico. What do you say to a child in New Mexico that just happened to grow up in a poor family? You don't get to get as good an education. You should be have been born in Massachusetts. This is the Federal Government doing it with taxpayer money, and we don't have a problem with this.

My God, this is at the heart of what the Federal Government is supposed to do. There are individuals who come down here and talk about equitable treatment all the time. This is the most unequal thing that can exist. Yet some would block this amendment from coming to the floor. Is this fair? This is title I-A allocation per poor child: Florida, $1,284; New York, $1,611; Minnesota, $1,189; Massachusetts, $1,453; Oregon, $1,149; Maryland, $1,585; Washington, $1,127; Connecticut, $1,447; New Mexico, $1,093; Pennsylvania, $1,517. It does not matter how you slice it. They get more. They get more if they do not have the population to support it.

So who is getting more than their fair share? Boy, pictures speak louder than words. Look at that. The green States get more money. The white States, even though they have kids in poverty, they do not get an equitable distribution of Federal money through the title I-A program. It is embarrassing. It is embarrassing to Congress that we did not change this a long time ago.

For poor children who lose under the current formula, this is the reverse. Now, it is the kids who live in the States that are red that get cheated. They get cheated based upon the 1965 initiative under Lyndon Johnson, signed into law after Congress passed it—the Early Childhood Program, elementary and secondary education. I do not think I have ever seen an issue that broadly affects America where there was this much disparity in equitable distribution of Federal dollars. As a matter of fact, I would say it could not happen. But not only did it happen, people argue that this is fair. Well, all I can say is that if you say this is fair, then you are not focused on what this formula was designed to do, and that is to target low-income kids in poverty.

But you know it does not stop there. Let's go further. Let me take my State of North Carolina, with 391,000 low-income students. We get $417 million in title I-A money. Pennsylvania has 357,000 low-income students. They get $542 million in title I money. So I have 34,000 more low-income children, but I am asked to be satisfied with $125 million less in money to target low-income kids in poverty.

Now, I think I am being pretty diplomatic when I come down here and show things like this. This is what America hates. This is what makes them sick. This is what they think is a great example that we don't have a sense of reality. What do you say to a kid in North Carolina who struggles through K-through-12 education when you say: You are worth $125 million less if you are in poverty than the investment we are going to make in Pennsylvania.

Well, it is only appropriate that the Presiding Officer would be from Colorado, which has 143,000 low-income students and receives $150 million. Maryland has 124,000 low-income students and receives $196 million. There are 19,000 more low-income students in Colorado, but you get $46 million less. I am sure the Presiding Officer has the same hard time I do going back to Colorado and saying: Don't worry; this is fair. This is fair because it has been this way for 25 years.

The money is supposed to follow the population we are targeting to be invested in. In this particular case, it is the most at-risk in our country, from getting the tools they need to getting a job that has a paycheck. Fair?

Nevada, the minority leader's State has 102,000 low-income students. They get $116 million. Connecticut has 80,000 low-income students. They get $116 million. Well, if I were from Nevada, I would be furious at this. You would think that if you get the same amount of money, you should at least have the same amount of kids in poverty, because that is what the formula was designed to do.

But no, wealthy States have found ways to game it by getting bonus payments. Fair?

Indiana, the State of the previous Presiding Officer before this one, has 235,000 low-income students. They get $256 million in Indiana. There are 228,000 low-income students in New Jersey. They get $331 million—7,000 more low-income students in Indiana and somehow New Jersey gets $75 million more than Indiana. This is sort of embarrassing. Some find no shame in this: We are just out for as much money as our State can get.

Let me say to my colleagues that I don't know what the outcome of this amendment is going to be. But let me ask you for 1 minute to put the windfall your State is getting aside and ask yourself this: Do we have an obligation, based upon how elementary and secondary education was perceived and conceived in 1965, to actually make sure that the money follows where kids in poverty are?

If not, don't come down here and talk about equity on every other funding formula. Don't say that money should follow people, when you have the most at-risk population, kids in poverty, and we are talking educating them to where they can function in society, to where they can get a job and a paycheck and not be a ward of anybody, where they can be independent and enjoy every opportunity this country has to offer.

Well, you cannot be for that and be against this amendment. You cannot be for those kids and not fund them where every State is red. It cannot happen. But over history, just like other things, this creates winners and a lot of losers. But let me suggest to you that you take these lines away, and you just see the United States of America. Who should be the winners? Every kid in poverty.

Every kid born into a low-income family should be the recipient of title I-A money in an equal capacity because they should have as good an opportunity and a future—an economic future—regardless of the State they live in, regardless of the ZIP Code. Regardless of whether they are in rural America or urban America, there shouldn't be a discrepancy. This rights a very bad wrong. This makes it work for all kids in poverty—not some kids, not school districts that are wealthy, but all kids in poverty.

Let me just say for my colleagues that it is not going to happen unless we

have a backbone that is strong enough to actually bring an amendment up and vote on it. I am willing to do that. I am willing to roll the dice.

Look at the number of States that benefit from this—and I said that wrong. Look at the number of kids that benefit from this change. This is not about States, and it is not about parties. This is about kids. It is what this act was created for in 1965, and I can't find the reason as to why Congress didn't fix it before 2015. But the fact is that we are talking about reauthorizing the Elementary and Secondary Education Act. It happens about once every 10 years. We have an opportunity to fix this inequity now.

I don't want to look back and say: I had an opportunity to fix it, but, you know, that was hard. It was difficult. It meant that there were winners and losers.

Everybody cannot be a winner when some take advantage of the system like this has. Well, there is only one way to make everybody a winner, and that is to fix the formula. Regardless of how long it takes us to work out of it, we can fix it from this point forward.

I urge my colleagues, if given the opportunity to vote on the Burr-Bennet Full Educational Opportunity Act, to support it. I can't believe I am in the Senate saying ''if, if, if'' we are given an opportunity to actually bring up a germane, relevant amendment that affects every kid in poverty in the United States. I can't imagine the Senate is not willing to debate and vote on that amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am not sure what the intentions are of the chairman of the energy committee. As chairman, I would be delighted to yield to her if she is going to take some time on the floor, and I would need about 10 minutes for my remarks.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, it was my understanding that I was next in the queue. If I am incorrect, I would be happy to get this squared away. I, too, have about 15 minutes.

Mr. WHITEHOUSE. Mr. President, I am happy to yield. I thought we went back and forth from side to side ordinarily, but I am very happy to yield. I have a chairman who is a very busy person.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. I thank my colleague from Rhode Island, and I thank him for the opportunity to speak directly to this bill this afternoon.

Mr. President, I wish to speak briefly about the measure we have on the floor today, the Every Child Achieves Act, the bill where we have all been waiting for about 15 years to fix the flawed one-size-fits-all No Child Left Behind Act.

I begin my comments by thanking Senator ALEXANDER, who is the chairman, as well as Senator MURRAY, the ranking member, for how they have managed this legislation from the very beginning.

I think we know there is a little bit of inside baseball that goes on around here that perhaps isn't interesting to many. But I think it is important to note that Chairman ALEXANDER and Ranking Member MURRAY have led this bill in a way that has fostered consensus building and, I think, very constructive negotiations.

More importantly, in the process they allowed the voices of the American people—of Alaskans—to be heard. I think that was one of the reasons why we saw this legislation move unanimously through the HELP Committee in April, and I think that is one of the reasons that you are seeing us move through a series of amendments on issues that are considerable but in a very constructive manner and certainly respectful of one another. So I wish to acknowledge and recognize the masterful work they have done in guiding this bill forward.

I also wish to recognize the work of my staff. Karen McCarthy on my staff has done yeoman's work in working with so many Alaskans, educators, administrators, and the like. That has been an effort that I think has yielded benefit to folks in my home State. But I also wish to recognize the work of those on both Senator MURRAY's staff as well as Senator ALEXANDER's—very hard-working professional staff who are a credit to their Senators and their State.

So why am I standing today before you in support of the Every Child Achieves Act?

When Alaskans are visiting about the education bill that we know as No Child Left Behind, it is clear that to a number—whether you are an educator, whether it is students, parents, tribes; it didn't make any difference—nobody was happy. The one-size-fits-all mandate, poor tribal consultation, and the lack of State and local control over our children's education clearly were not working.

I say that one of the first immersions into politics I had was when I was a PTA president at my son's elementary school. That, for me, was my first introduction to what the mandates meant that were coming out of No Child Left Behind when our school was deemed as a failure because we failed to meet AYP because of the 31 different ways to fail. We certainly made it by not having sufficient subgroups taking the test on the day that the test was required. Our neighborhood school was a failure. It didn't seem to me that it made sense and still does not.

So I make sure to take that experience as a mom, as a PTA president, and as one for whom No Child Left Behind was not just some theoretical exercise. It was Federal law imposed in my town and in my schools, which had a negative and a direct impact on those who were part of our school.

So my top priority was to make sure that any rewrite of No Child Left Behind gave more power to make decisions about Alaska's schools to Alaska and to our local communities.

The failed experiment of adequate yearly progress had to go. Under the Every Child Achieves Act, that is done.

The failed highly qualified teacher mandates that made little sense and also did not work had to go, and they are gone. States will again be able to decide what qualifications and skills to demand of teachers and principals, whether to have a statewide evaluation system, and, if so, whether those evaluations consider growth in student proficiency.

Now, I am very aware that some across the country—in fact, I have heard from some in Alaska—are concerned that the Every Child Achieves Act does not do enough to return local control to schools, that it perpetuates, somehow, the common core standards. In fact, the Every Child Achieves Act specifically and expressly prohibits the Secretary from having any authority to ''mandate, direct, control, coerce, or exercise any direction or supervision over any of the challenging State academic standards adopted or implemented by a State.''

Now I have also heard that some are concerned that the bill maintains secretarial approval of State plans, with the implication then that the Secretary will be able to change or deny elements of State plans, whether it is State standards, assessments or accountability systems, as somehow a condition of approval. But the Every Child Achieves Act also places a number of limitations on the Secretary's authority over the State's plans.

The act prohibits the Secretary from requiring a State to include or delete any element of its State standards from the State plans, use specific assessment instruments or items, set goals, timelines, weights or significance to any indicators of student proficiency, include or delete from the plan standards, measures, assessment, student growth benchmarks or goals of student achievement for school accountability, as well as any aspect of teacher or principal quality, effectiveness or evaluations systems, or require any data collection beyond current reporting requirements. There are similar prohibitions that are scattered throughout the Every Child Achieves Act.

In short, I am confident that the act returns control of State standards, curriculum, instruction, assessments, educator qualifications, and school accountability to the State of Alaska, and that is where I want it to be.

I also have other reasons for supporting the act that will directly impact students, parents, educators, and communities across Alaska in a positive way and with provisions that Alaskans ask for most specifically.

I acknowledge the work that I was able to do with Senator BOXER. Together we worked to craft the support

for the Afterschool for America's Children Act. She and I worked on this bill to update and strengthen the 21st Community Learning Centers afterschool program across the country. We worked with a number of other Members in the Senate to make sure that this important program—the program that keeps our children safe and engaged after school and during the summer—works for all of our States.

We worked with the chairman and ranking member, and after a lot of good negotiation, the Afterschool for America's Children Act, with some amendment, was included in the Every Child Achieves Act, and this was done by unanimous consent in the HELP Committee, which I appreciate.

On the issue of how we ensure that our Native children are cared for and addressed in a real and meaningful way, there were several provisions that we were able to include in the act to better meet the needs of Native children.

At my request, the act requires the States and school districts, where applicable, to consult and engage with the American Indian, Alaska Native or Native Hawaiian tribes and parents in creating State and local plans and in implementing Federal education programs that serve Native students in order to meet their cultural language and education needs. These are our Nation's first peoples, with whom the United States has a constitutionally mandated responsibility to interact with on a government-to-government basis. So I think it is time that our tribes and our Native organizations throughout the country were part of designing the plans and shaping the programs used to improve schools that serve our Native students.

Senator FRANKEN and I, working with Senator TESTER, were able to include a new program in the Every Child Achieves Act to help our Nation's first peoples maintain and revitalize their Native languages through the schools. This is a new grant program that will support the creation, the improvement, and the expansion of Native language immersion schools in which Alaska Native, American Indian, and Native Hawaiian students learn their lessons through ancestral languages. This opportunity will help preserve the fast-vanishing Native languages of our first peoples.

So what we worked to do within the program was that the Native Alaskan language immersion schools and programs will help Native language immersion schools develop curriculum and assessments, provide professional development to teachers and other staff, and carry out activities that will promote the maintenance and revitalization of these endangered languages.

This is a provision where I really am quite proud of what we have been able to do, working with our colleagues to make sure that we do not lose that focus in this important act.

We also eliminate some technical redtape that makes it nearly impossible for Alaska's rural school districts to claim impact aid dollars to which they are entitled just because NCLB and the Alaska Native Claims Settlement Act didn't play well together. While it is more complicated to explain, I just leave it by saying that many rural Alaskan school districts are no longer going to have to bang their heads against a brick wall of illogical and contradictory Federal rules after this provision is enacted. And that is always a good thing.

I would point out that fixing this problem started because a handful of schools, business officials, and superintendents took the time to reach out to me to let me know: We have a problem here. This is really one of those examples where working together we are all building legislation.

I am also quite proud to have helped move strong improvements to the Alaska Native Education Equity Program. We call it ANEP in this legislation. For some years now, Alaska Native leaders have asked: Why do schools get all of the title VII Indian education money and most of the ANEP funding. They explained that they are more than ready to take on responsibility to help their children achieve in school. Alaska Native leaders have a valuable and, indeed, indispensable role to play in designing and implementing programs to help our children succeed. These are sound arguments.

While Alaska receives no funding from the Bureau of Indian Education, and our schools receive the title VII, part A funding, the government-to-government relationship between the Federal Government and Alaska tribes and Native organizations has not been fully honored under ANEP.

Under the amendments we include in the act, ANEP funds will either go directly to tribes and Native organizations that have expertise running education programs or the funds will go to tribes and Native organizations without such experience that partner with school districts. In addition, tribes and tribal organizations may partner with the university and other Non-Native entities if they so choose. This will not only honor our constitutional relationship to Alaska Natives but ensure that they can take on more responsibility for helping their children succeed, which, again, is the right thing to do.

In closing, I wish to say that the Every Child Achieves Act is a good piece of legislation, and it is getting better with each day as we consider additional amendments. It is far better than what we ever had with No Child Left Behind.

While I am positive that each of us will have more thoughts about how this could be a better bill, be a more perfect piece of legislation if only one or two more changes were made, on the whole this is a sound improvement over the current, failed law. I certainly intend to be supportive as we move through the end of this process.

With that, I appreciate the courtesy of my colleague from Rhode Island in deferring, and know that when I have a similar opportunity to yield to the Senator, I shall do so.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I wish to join Chairman MURKOWSKI in expressing my satisfaction and pleasure with this bill we are on and join her in commending the leadership of Ranking Member PATTY MURRAY and Chairman LAMAR ALEXANDER. As a result of their work, we have a significant piece of legislation before us. It received bipartisan support in the committee, and I think the secret of their success was that they knew how to let Senators be Senators and work on a bill, really on the merits of it, without a lot of partisan gunslinging. As a result, the legislation before us creates a tremendous improvement in K–2 education over the failed No Child Left Behind Act. The process that led to this was bipartisan, substantive, and thorough. They really listened to a wide array of viewpoints. The result is this strong bipartisan proposal. As one of my senior colleagues on the committee said, this is what happens when you have committee leaders who really know what they are doing.

By now, most Americans—certainly my constituents—are familiar with the failures of No Child Left Behind. It overemphasized a peculiar form of testing, a form of testing in which the student took the test but wasn't graded on it. The subject of the test really was the performance of the school itself. Schools became frantic to heap up student performance to protect themselves. As a result, there was a lot of drama in the schools around these tests. If you did not do well, that pitched you into a narrow, one-size-fits-all approach to fixing the low-performing school. That combination served neither students nor communities well.

The Every Child Achieves Act is based on a very simple idea that I think has broad support in the Senate: Less classroom time spent on this frantic test preparation for the high-stakes exams means more time actually learning. The Every Child Achieves Act allows States to take a whole range of factors into account to gauge how students are doing and how the schools are doing, not just one test. I call that the data dashboard. It can include things such as graduation rates, college performance rates afterwards, how many students are taking AP classes and SAT tests, incidents of violence or bullying, and even working conditions for teachers. It is something we have worked on in Rhode Island through something called the InfoWorks Program. It is a commonsense way of understanding school and student performance without creating this massive distraction and drama.

Less emphasis on this peculiar high-stakes testing regime means more time for teachers to teach a more balanced,

well-rounded curriculum, giving attention to important subjects such as history and the arts, which, because they weren't covered under these high-pressure standardized tests, fell out of the curriculum. So what parents ought to see after we pass this bill is a much richer curriculum for their kids and one that some kids simply need in order to stay interested in school. If arts are your passion as a child and if that has fallen out because of this testing regime, you really have been hurt. If history and the stories of what happened in the olden days are what really gets you excited about education and if that gets squeezed out so you can do the math and the reading test better, you really have been hurt as a student. So that has changed. I am glad we have language in this bill that supports civics and American history education so that beyond reading and math—the tested subjects—students who graduate from public education have a real understanding of what it means to be an American citizen. It means something to be an American citizen. They need to understand the trajectory of this country so that they can fill that role as American citizens better.

The bill supports school libraries, which is an issue my senior Senator, JACK REED, has long championed and which I was proud to support in committee.

It includes an initiative I supported that was led by Senator MIKULSKI to provide support for gifted and talented students, particularly those who are in high-poverty schools. It can be hard to keep a high-ability child engaged and motivated if they are not challenged. I believe Senator MIKULSKI's language will be a big help to these kids, their teachers, and their parents.

When a school does fall short, the Every Child Achieves Act rejects the overly punitive interventions of the No Child Left Behind Act. Instead, it allows communities, parents, and teachers to work together to improve their school in ways that make sense for the students and give them the tools to succeed.

In my experience, I have learned that the greatest unmet area—at least in Rhode Island—is in middle schools. When I talk to people from other States, they see the same thing. Those middle grades are a tipping point in the lives of many students, especially those at risk of dropping out.

When I was Rhode Island's attorney general, I saw hundreds of juvenile cases that had a common thread, which was catastrophic levels of middle school truancy. In order to get a better handle on what was happening in the middle schools, I adopted one—the Oliver Hazard Perry Middle School in Providence. We worked hard to create a real relationship between the police department and the school. We helped get truant kids back in classrooms. We began a mentoring program between students and the attorneys in my office. We brought in community groups to start afterschool programs. We did a lot of different things.

Those years of working with middle school stakeholders helped me realize how much the middle grades bear on a child's future. It is an age when the child is beginning to make his or her own decisions, which can be dangerously bad ones at that time. But they can still be influenced by positive adults and by enriching experiences in their lives.

Many students who fail in high school showed the warning signs in middle school. We need to be reaching back into middle school to help them stay on track. That is why I am so glad to have partnered with our friend Senator BALDWIN on a measure that requires States to identify and support students at risk of dropping out in middle school and not wait until they are in serious trouble in high school.

I am also proud that the bill includes key elements of the Community Partnerships in Education Act, the House version of which was championed by my House colleague Congressman DAVID CICILLINE.

The outstanding success in Rhode Island of the Providence After School Alliance shows that schools and their students can thrive with help from strong community partners focused on sustainable and coordinated afterschool learning opportunities. PASA is really a model. Community-based afterschool has long been underappreciated, and I am glad it is on an even basis in this bill with school-based afterschool.

The Every Child Achieves Act also makes progress in educating students who have become involved in the criminal justice system. As with the juvenile justice reauthorization that I am working on with Chairman GRASSLEY in the Judiciary Committee, this bill tries to break the cycle of troubled kids who enter the juvenile justice system, who get marginalized, who fall further behind in their education, leading to more trouble and ultimately to crime. This phenomenon is referred to as the school-to-prison-pipeline, and it is tragic and it needs to end.

I have also seen and heard how Federal, State, and local regulations can get in the way of innovative reforms. Over the last 2 years, I have worked closely with Rhode Island educators, who have told me time and time again that they could achieve much better results if not for the layers of professional education bureaucracy stifling innovation at multiple levels.

I am working to include an amendment to establish an innovation schools demonstration, giving teachers, parents, and school leaders, who have a unique understanding of the students and communities they serve, the flexibility to turn those ideas into action.

In Rhode Island, I have heard from school leaders who would like to extend the school day for struggling students, reboot their curriculum, take ownership over their school's budgeting and financing, or better manage their school's human resources. But they can't because existing rules and regulations get in the way. They are often daunting because if you try to get after the local regulations, you still have the State regulations. If you try to go after the local and the State regulations, you still have the Federal regulations. So they give up.

My amendment establishes a fast-track process to give public schools relief from barriers to school-level innovation—relief from local, State, and Federal regulations.

Here is what Victor Capellan, superintendent of the Central Falls, RI, School District, told me: ''As a leader, having more flexibility to design the learning around the needs of my students and teachers and within the local context that exists—and not based on old and fixed conditions—makes all the sense in the world to me.''

Overall, the Every Child Achieves Act returns more decisionmaking authority to public schools, gives them tools to help every student succeed, and promotes greater flexibility in achieving high standards.

As I prepared at home for this bill, I worked with a lot of Rhode Islanders to learn what was needed. I am grateful to the groups who gave me so much time. Many of us met over and over to work through these issues and lay the foundation, particularly for the middle school part of the bill and for the innovation schools part of the bill. There was a lot of good Rhode Island work that went into those, and I appreciate it.

I believe this bill responds to the needs and concerns of the many Rhode Island teachers, reformers, students, school administrators, and union officials I worked with. I am proud to support it.

I will close by saying one last thing. There are many issues we deal with where we experience a lot of confrontation. Often we come into a situation thinking we know what the confrontation is. Before we even get to it, we anticipate the confrontation. What I learned from sitting down and spending real time with teachers who are in teachers unions, with reformers who are determined to make schools better and able to innovate, administrators who work in public schools and the administrators who work in charter schools, you put them all together and they agree on so much of what is in this bill. If you treat people involved in this system with the respect they deserve individually, and if you listen to them, the agreement is far greater than the disagreement.

I will close where I began. What Chairman ALEXANDER and Ranking Member MURRAY did was to create a process where we could be Senators, and as a Senator I was able to bring those voices from Rhode Island into this process in a meaningful way. My ability to bring that voice in a meaningful way empowered me to be able to

bring those voices together back in Rhode Island and find the kind of agreement that has enabled these successes, so I am very grateful to them as well.

With that comment, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TILLIS). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIRE MORE HEROES ACT OF 2015—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 19, H.R. 22.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 19, H.R. 22, a bill to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 19, H.R. 22, an act to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

Mitch McConnell, Roger F. Wicker, Shelley Moore Capito, Rob Portman, John Cornyn, James M. Inhofe, Daniel Coats, John Boozman, Johnny Isakson, Pat Roberts, John Barrasso, Mike Rounds, Mike Crapo, Roy Blunt, Thom Tillis, Deb Fischer, Richard Burr.

Mr. MCCONNELL. Mr. President, I withdraw my motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

ADOPTIVE FAMILY RELIEF ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 145, S. 1300.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1300) to amend the section 221 of the Immigration and Nationality Act to provide relief for adoptive families from immigrant visa fees in certain situations.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1300) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1300

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 ''Adoptive Family Relief Act''.

SEC. 2. WAIVER OF FEES FOR RENEWAL OF IMMIGRANT VISA FOR ADOPTED CHILD IN CERTAIN SITUATIONS.

Section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1201(c)) is amended to read as follows:

''(c) PERIOD OF VALIDITY; RENEWAL OR REPLACEMENT.—

''(1) IMMIGRANT VISAS.—An immigrant visa shall be valid for such period, not exceeding six months, as shall be by regulations prescribed, except that any visa issued to a child lawfully adopted by a United States citizen and spouse while such citizen is serving abroad in the United States Armed Forces, or is employed abroad by the United States Government, or is temporarily abroad on business, shall be valid until such time, for a period not to exceed three years, as the adoptive citizen parent returns to the United States in due course of his service, employment, or business.

''(2) NONIMMIGRANT VISAS.—A nonimmigrant visa shall be valid for such periods as shall be by regulations prescribed. In prescribing the period of validity of a nonimmigrant visa in the case of nationals of any foreign country who are eligible for such visas, the Secretary of State shall, insofar as practicable, accord to such nationals the same treatment upon a reciprocal basis as such foreign country accords to nationals of the United States who are within a similar class; except that in the case of aliens who are nationals of a foreign country and who either are granted refugee status and firmly resettled in another foreign country or are granted permanent residence and residing in another foreign country, the Secretary of State may prescribe the period of validity of such a visa based upon the treatment granted by that other foreign country to alien refugees and permanent residents, respectively, in the United States.

''(3) VISA REPLACEMENT.—An immigrant visa may be replaced under the original number during the fiscal year in which the original visa was issued for an immigrant who establishes to the satisfaction of the consular officer that the immigrant—

''(A) was unable to use the original immigrant visa during the period of its validity because of reasons beyond his control and for which he was not responsible;

''(B) is found by a consular officer to be eligible for an immigrant visa; and

''(C) pays again the statutory fees for an application and an immigrant visa.

''(4) FEE WAIVER.—If an immigrant visa was issued, on or after March 27, 2013, for a child who has been lawfully adopted, or who is coming to the United States to be adopted, by a United States citizen, any statutory immigrant visa fees relating to a renewal or replacement of such visa may be waived or, if already paid, may be refunded upon request, subject to such criteria as the Secretary of State may prescribe, if—

''(A) the immigrant child was unable to use the original immigrant visa during the period of its validity as a direct result of extraordinary circumstances, including the denial of an exit permit; and

''(B) if such inability was attributable to factors beyond the control of the adopting parent or parents and of the immigrant.''.

Mr. MCCONNELL. Mr. President, I just want to briefly say a few words about today's Senate passage of S. 1300, the Adoptive Family Relief Act. The issue this bill addresses is of particular importance to me, and I am proud to be a cosponsor of the legislation.

More than 400 American families—approximately 20 of them from Kentucky—have successfully adopted children from the Democratic Republic of the Congo or the DRC. However, due to the DRC Government's suspension of exit permits—which has been in place for close to 2 years now—many of these families have been unable to bring their adoptive children home to the United States.

For example, although I was pleased to be able to help the Brock family from Owensboro, KY, with the return of one of their adopted sons last Christmas, their other son still remains in the DRC. To make matters worse, many of these families have been financially burdened by the cost of continually renewing their children's visas while they wait for the day the DRC decides to lift the suspension.

In an attempt to help these families, the Adoptive Family Relief Act will provide meaningful financial relief by granting the State Department the authority to waive the fees for multiple visa renewals in this and other extraordinary adoption circumstances.

The bill builds on Congress's bipartisan efforts on this adoption issue, including a provision in this year's congressional budget resolution to encourage a solution to the stalemate in the DRC.

I strongly urge the DRC Government to resolve this matter. I truly hope there is a solution to it soon, but until then I urge the House and President Obama to help us enact the Adoptive Family Relief Act. The passage of this bill through the Senate today will help bring needed assistance to so many loving families across our country who want nothing more than to open their homes to a child in need.

I wish to thank the bill's sponsors, Senators FEINSTEIN and JOHNSON, the 17 other bipartisan cosponsors, and the Judiciary Committee for their hard work and truly bipartisan commitment to solving this heartbreaking issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. MCCONNELL. I am sorry. I withhold.

EVERY CHILD ACHIEVES ACT OF 2015—Continued

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I thank the majority leader.

I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

5TH ANNIVERSARY OF DODD-FRANK WALL STREET REFORM ACT

Mr. BROWN. Mr. President, next Tuesday, July 21, is my wife's birthday, and it is also the 5-year anniversary of the Dodd-Frank Wall Street Reform Act becoming law.

Nearly two decades before that, Barings, an international bank, was destroyed by fraud committed by a single one of their traders. In reality, there were no profits, unbeknownst to many at the time, just big losses that this trader managed to conceal until the firm collapsed.

When writing about his actions later in his memoir, the trader said:

> Luckily for my fraud, there were too many chiefs who would chat about it at arm's length but never go further. And they never dared to ask me any basic questions, since they were afraid of looking stupid about not understanding futures and options.

This helps illustrate how we got to that financial crisis.

Wall Street so often speaks its own language—one most Americans can't understand and one that prevented consumers and taxpayers and sometimes even participants from asking questions and from challenging Wall Street.

September 2008 was preceded by a decade of deregulation, after furious lobbying by the financial industry—lobbying buttressed by obfuscation and deceit, always underscored by greed. Risky behavior was rewarded with gargantuan profits for the firms and multimillion-dollar bonuses for the traders and the executives. Questions were not asked. People often looked the other way. So many were confused and tricked, if you will.

Regulators didn't do their jobs. Congress was too—putting it mildly—bought and sold by Wall Street, and look what happened to the American public. Most Americans didn't fully appreciate the connection between Wall Street and our lives until 2008. That is when the biggest banks' recklessness led to the loss of 9 million jobs. The unemployment rate reached 10 percent, 5 million Americans lost their homes, and $13 trillion, with a ''T''—that is 13,000 billion; that is what a trillion is, 13,000 billion dollars—in household wealth was erased.

My wife and I for 2 years have lived in the city of Cleveland in ZIP Code 44105. I mention the ZIP Code because that ZIP Code in 2007, I believe—it was around that time—that ZIP Code had the highest rate of foreclosures of any ZIP Code in the United States of America. It wasn't because people in Slavic Village, Cleveland, OH, in my neighborhood were trying to game the system. It was not because there were all kinds of con men and women in the neighborhood. It was mostly because of job loss due to the decline in manufacturing. It was also because firms that were rewarded by turning over homes and fees came into those communities offering something more than people could really think they would get, and so foreclosure after foreclosure after foreclosure happened.

The financial crisis created 9 million people who wanted to work for a living, contribute to society, and support their families but could not. And behind the millions of foreclosures were 5 million painful conversations.

Think about this. We in this body talk about numbers, we talk about statistics, we talk about foreclosures, we talk about derivatives, we talk about banks, we talk about fees, we talk about all of this, but think about what a foreclosure means. We don't dress the way we do, making good salaries and benefits, hanging out more with people of means rather than people without much means; we don't think a lot about what a foreclosure might mean to a family. Think about this: A mother and father both have sort of middle-income jobs, working-class jobs. They have a daughter who is 12 and a son who is 13. The mother comes home one day and says: I lost my job. The family scrapes things together, figures they can keep going. Six months later the father comes home and says he lost his job. The kids and the father have a conversation.

It is pretty clear they are going to have to move out of their house because they are going to be foreclosed on. They sit down with the son and daughter and they try to explain what this is going to mean.

The daughter says: What school are we going to go to?

The parents say: I don't know. We are going to have to move out of this house and leave our school district.

The son says: What happens to our friends?

And the parents say: We don't know because we are going to move.

Then they have another painful conversation.

What happens to our dog?

We don't have the money to feed the dog, and in that new apartment we are not going to be allowed to have a pet.

Think about that. They lose their home and their neighborhood and their friends. They even have to give away their family pets. They are cutting back.

These are the stories that aren't really told around here—what actually happens to these families when they are foreclosed on. Those conversations happened—I don't know how many conversations, but I know there were 5 million homes foreclosed on where conversations took place such as that night after night after night, as parents explained to their children what was happening to their way of life. Parents were sometimes telling their children, We are going to have to share a house with relatives. Families leaving neighborhoods, leaving schools, leaving friends behind, parents trying to find a new home for the family dog that the child had grown up with since the child was 3 or 4 years old, that is why we passed Wall Street reform.

Despite doomsday predictions from the Republicans—almost all of whom opposed Dodd-Frank reform, almost all of whom opposed Dodd-Frank because Wall Street opposed Dodd-Frank reform—despite those predictions, it has been a huge success.

In 2011, as the law was beginning to be implemented, we heard Republicans running for President, people such as Newt Gingrich, a historical figure who has, by and large, been forgotten now, who used to be the Speaker of the House down the hall, who used to be one of the most powerful people in Washington, who stood toe-to-toe with President Clinton and shut down the government in the 1990s. He said Dodd-Frank will kill small banks, kill small business, kill the housing industry. He was wrong.

Since Dodd-Frank has been implemented over the past 5 years, the private sector has created 13 million new jobs, household wealth has grown by $13 trillion, exceeding precrisis levels, and business lending has climbed 30 percent. Wall Street reform didn't ruin the economy, Wall Street reform stabilized and strengthened it.

Polling that Americans for Financial Reform released last week shows that Americans agree with this assessment. They overwhelmingly support strong financial regulations and they overwhelmingly support the goals of the Consumer Financial Protection Bureau.

But this month—and for the rest of the year—we have seen Republicans try to undermine Wall Street reform, try to do the bidding of Wall Street itself, and try to do all they can to weaken the Consumer Financial Protection Bureau. We have seen it in the Budget Committee and in the Agriculture Committee and in the Banking Committee and in the appropriations process.

Last week, in the Senate Banking Committee, Republicans held another hearing with representatives from the financial industry advocating for legislation to undermine parts of Dodd-Frank. Week after week, it seems, we hear from people who come in front of the Banking Committee—people who seem oblivious to the fact that Wall Street caused this damage to our society, people doing the bidding for Wall Street banks, people who have excused the greed and the overreach of Wall Street and what Wall Street has done to the men and women, done to children, done to families, done to neighborhoods in our society.

My ZIP Code is doing better than it was, but we can still see the ruin and

the devastation brought to ZIP Code 44105, in part, because of Wall Street greed. We can see it all over this country.

Tomorrow, Consumer Financial Protection Bureau Director Rich Cordray, who I can proudly say is from my State of Ohio, will testify again in Congress. This will mark his 54th appearance—either him or someone else from the CFPB. As Republicans claim, the CFPB is unaccountable to Congress—hauled in front of Congress one, two, three, four-plus dozen times, and they still say it is unaccountable. Figure that out. It is all about the politics. Again, they are doing Wall Street's bidding.

This past weekend, two Republican Commissioners on the Securities and Exchange Commission and the Commodities Futures Trading Commission—agencies whose job it is to police Wall Street, to prevent another crisis—these two Republican Commissioners wrote an op-ed denouncing regulation. They wrote: ''One of the greatest potential risks to the financial markets is the work of the regulators themselves.'' They are not saying regulators should have been tougher on Wall Street. They are saying these regulators are overreaching and not doing what they should. In fact, these regulations shouldn't have existed many times. This is the attitude we are up against. We know they will keep fighting to tear down this law just as hard as they fought to keep it from passing.

Now, when Dodd-Frank was passed back in July 5 years ago, in 2010, President Obama signed the bill only a few hours later. The chief lobbyist for the top financial services, the top lobbyist in Washington, proclaimed: ''Now it's halftime.'' What did he mean by ''now it's halftime''? It was that, Wall Street lost that battle in Congress on Dodd-Frank, and now it was time to turn to the agencies and to try to weaken, obfuscate, blunt these rules, delay, and do whatever they could. There were 3,000 lobbyists during the Dodd-Frank act—6 lobbyists for every Member of Congress. Even then they couldn't win because enough of us here had the guts to stand up to Wall Street and do the right thing. Many of those 3,000 lobbyists are back.

In 2012, lobbyists for banks outnumbered consumer protection advocates 20 to 1—1 consumer advocate to 20 bank lobbyists spending hundreds of millions of dollars trying to weaken the law. We must stand firm. We must push back on efforts that roll back the reforms. We should stand up for the CFPB. Nobody is arguing that we can't improve and strengthen Dodd-Frank. We want to do that. But if improve and strengthen means doing Wall Street bidding, that is not what improve and strengthen should mean.

There are enormous challenges we have to tackle. Today's typical American consumer obviously has no union to demand a defined pension or a fair wage and no dependable retirement savings account. The average borrower has left college with a diploma and $33,000 in student loan debt. Nearly 60 percent of 18- to 24-year-olds now live with their parents, largely due to staggering student loan debt and stagnant wages. Five million Americans have mortgages that are under water, meaning they owe more than the house is worth, which represents nearly $350 billion of negative equity. That means if you total up all of the debt of those 5 million Americans—how much they owe on their homes—and subtract what their homes are worth, it would amount to $350 billion of negative equity.

One in five Americans has an error on her credit report that might prevent her from accessing a traditional banking system. It is not due to a mistake they made, but they have an error on their credit report that they, for whatever reason, have not been able to fix. One in three American adults has debt in collections, the majority of which is medical debt. Fifty-seven percent of Americans say they are not financially prepared for the unexpected. A financial crisis only makes these trends worse.

Where do we go? Some sectors of our economy have done better than others. When times are good, we return to discussions about regulatory relief, which I support, for small banks and credit unions. I think we need to make some changes in the midsized regional banks, such as the Huntington in Columbus or the Fifth Third Bank in Cincinnati, to help make them competitive, particularly with the large banks.

What about relief for the average American? All of us in this body need to broaden our focus beyond so-called regulatory relief. The answer to everything, according to my friends on the other side of the aisle, is to cut taxes on the rich and deregulate and weaken consumer laws, weaken safe drinking water laws, weaken clean air laws, and weaken Dodd-Frank laws. That is their answer to everything.

What about relief for average Americans? What about increasing the minimum wage? What about helping Americans who are making $30,000 or $40,000 but are denied overtime because they have been put in a salary or management category even though they are only making $30,000? They may be running the night shift at a fast-food restaurant and have been classified as bosses so as salaried workers, they don't get overtime even if they are working 60 hours a week. How about relief for that average American?

How about relief for Americans who don't have sick leave and go to work when they are sick and take the chance of infecting somebody else, because if they stay home, they will not receive any pay?

How about if their child is sick? Do they send their child to school, because they can't take a day off because they don't get a personal leave day to take care of their child? So their child may end up going to school, doesn't do as well and may get other children sick, which means less productive students or less productive workers if the parent ends up going to work sick—all of those things. Why don't we have relief for working-class and middle-class families—minimum wage, overtime pay when they have earned it and help those families get the kind of sick pay and sick leave as the people who work here have who dress up and are well paid and have the advantage of working in the Senate? Why are we not doing that?

We shouldn't be afraid to ask questions that will lead to the reforms we need. We shouldn't be afraid to challenge the status quo, and we should never be afraid to make Wall Street accountable.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

VOTE EXPLANATION

• Mr. NELSON. Mr. President, on Monday, July 13, 2015, I was necessarily absent for a vote on amendment No. 2080 to the Every Child Achieves Act. Had I been present, I would have voted in favor of the amendment.•

REMEMBERING BEAU BIDEN

Mr. CASEY. Mr. President, I wish to pay tribute to Joseph Robinette ''Beau'' Biden III. Beau was a husband, father, son, brother, veteran, and friend, who lived a life of service, devoted to his family and his country. For Beau Biden, family was the center of his life: his father, our Vice President, and Dr. Jill Biden, his brother Hunter, his sister Ashley, and especially his wife Hallie and their children, Natalie and Hunter. Beau Biden's family and my family have been connected as friends, neighbors, and political allies for two generations. Like Vice President BIDEN, Beau was committed to duty, had great political skills, and lived his daily life with joy.

Inscribed on the front of the Finance Building in Harrisburg, PA, is the following quotation: ''All public service is a trust, given in faith and accepted in honor.'' As a soldier and a public official in Delaware, Beau Biden's work was a testament to that inscription. He accepted the trust he was given by serving with honor and distinction. Beau Biden served in the Delaware Army National Guard as a major in the Judge Advocate General, JAG Corps, which included a tour in Iraq. Growing up with a father who was a United States Senator, Beau Biden could have

taken an easy road to elected office, but that was not his way. He wanted to earn the trust of the people. He turned down an appointment as attorney general of Delaware, preferring to run for the position on his own. He won and served two terms as a faithful public servant. He was on track to become the next Governor of Delaware when his life was tragically cut short.

As attorney general, Beau Biden fought every day to protect children. Albert Camus once said: ''Perhaps we cannot prevent this world from being a world in which children are tortured. But we can reduce the number of tortured children. And if you don't help us, who else in the world can help us do this?'' Beau Biden answered that call. He said keeping children safe is why he wanted to be the attorney general of Delaware, and during his years in that position, he prosecuted child predators and worked to protect children from sexual abuse. In a column in the Wilmington News Journal, he wrote, ''As adults, we have a legal and moral obligation to stand up and speak out for children who are being abused—they cannot speak for themselves.'' It is fitting that his family established the Beau Biden Foundation for the Protection of Children to continue his fight.

At times like this, people often think about what could have been. A decade after Robert F. Kennedy died, Allard Lowenstein wrote an article entitled ''Anniversary of an Assassination.'' In it he wrote, ''And anybody who finds himself wishing on this occasion that Robert Kennedy were around knows what Robert Kennedy would be saying if he were here—knows that we have dallied long enough, and that it is past time to try again to do better, to make a difference; past time to dream again of things as they ought to be, and ask again why they are not.'' Beau Biden would not only want us to do the same thing, he would expect us to. He would be telling us to keep up the fight to protect children. He would be reminding us about the honor of public service, and he would be encouraging us to go out and serve our communities and our country.

RECOGNIZING THE HERO CAMPAIGN FOR DESIGNATED DRIVERS

Mr. BOOKER. Mr. President, each year, tens of thousands of lives are lost and millions more are injured in collisions on our Nation's highways. According to the National Highway Traffic Safety Administration, about 40 percent of all traffic fatalities involve alcohol. This preventable behavior continues to impose a terrible toll on our families and our Nation.

To eradicate drunk driving from our roads, we must change our Nation's culture around stepping behind the wheel after consuming alcohol. A major way to enact this change is to encourage and celebrate the role of designated drivers—those who make a commitment to remain sober to ensure that the passengers in their vehicle return home safely at the end of the night.

For this reason, I rise today to honor the 15th anniversary of the HERO Campaign, which works to create partnerships that encourage and support designated drivers.

The HERO Campaign was created in memory of U.S. Navy ENS John Elliott, a New Jersey resident and a graduate of the U.S. Naval Academy. Ensign Elliott was an outstanding citizen and Naval cadet. In each of his 4 years at Annapolis, Elliott was selected by his peers to serve as a human education resource officer, or HERO, to mentor fellow members of his company. At graduation, Elliott was honored as the outstanding HERO in his class.

On July 22, 2000, Ensign Elliott was driving to his home in Egg Harbor Township, NJ with his girlfriend when his vehicle was struck by an oncoming vehicle that crossed into his lane. The driver of that vehicle was operating under the influence of alcohol. Along with Ensign Elliott, that driver was killed in the collision.

Shortly after Ensign Elliott's life came to its untimely end, his parents, Bill and Muriel Elliott, started the HERO Campaign. The HERO Campaign is a non-profit organization that brings together schools, professional sports teams, law enforcement, taverns and restaurants, and community groups to recognize and encourage designated drivers.

Since its inception, the HERO Campaign has registered more than 100,000 designated drivers at sports stadiums, concerts, schools, and colleges in 7 States. In New Jersey, the HERO Campaign contributed to a 35.4 percent decline in alcohol-related driving fatalities in the general population and a 65.1 percent decline for those under 21 years of age. Truly, the accomplishments of the HERO Campaign are nothing less than heroic.

But their work is not done yet. The ultimate goal of the HERO Campaign is to register one million designated drivers across our Nation, and to ensure that having a designated driver before stepping out for the night becomes as automatic as putting on a seatbelt when getting into the car. As Bill Elliott says, the message is simple: ''Who's your HERO tonight?''

I can safely say that, to me, Bill and Muriel Elliott and their colleagues at the HERO Campaign are my heroes this and every night. I commend their accomplishments and support their efforts to save lives by helping others realize their heroic potential as designated drivers.

ADDITIONAL STATEMENTS

TRIBUTE TO BISHOP PAUL S. MORTON

• Mr. VITTER. Mr. President, I wish to honor Bishop Paul S. Morton. Bishop Morton was born in Windsor, Ontario, where he graduated from J.C. Patterson Collegiate Institute and St. Clair College. Despite his northern roots, Bishop Morton was called to New Orleans, LA, in 1972 to preach and spread the Gospel of the Lord. The Greater St. Stephen Missionary Baptist Church was Morton's first home, where he was installed as senior pastor in January 1975. Under the pastor's leadership, the congregation grew dramatically, resulting in the need to expand to a 2,000 seat sanctuary in 1980 and a 4,000 seat sanctuary in 1988. In 1991, Greater St. Stephen Missionary Baptist Church became Greater St. Stephen Full Gospel Baptist Church which preaches of the manifestation of miracles, healings, and gifts of the Holy Spirit.

With his unique leadership skills and his care for the community, Greater St. Stephen Full Gospel Baptist Church grew from 647 members to more than 20,000 members requiring 3 locations in the Greater New Orleans area. In addition to this great local accomplishment, Bishop Morton is also the senior pastor of Changing a Generation Full Gospel Church in Atlanta, GA, as well as the founding presiding bishop of the Full Gospel Baptist Church Fellowship International. The Full Gospel Baptist Church Fellowship represents thousands of church leaders and congregations around the world and focuses on cultivating positive values such as sustainability, holiness, innovation, family, and transcendence.

Bishop Paul S. Morton's dedication to his congregation is seen in the services he provides to the community. In 1997, the Greater St. Stephen ministry purchased a former naval base and converted it into affordable housing for more than 125 families in the New Orleans area. In addition to being an accomplished Gospel singer, the bishop hosts ''Changing a Generation,'' a daily radio show and weekly TV broadcast with the goal of changing the way people view going to church. Bishop Morton also serves as president of the Paul S. Morton, Sr. Scholarship Foundation and president of the Paul S. Morton Bible College and School of Ministry.

I am honored to share the accomplished career of Bishop Paul S. Morton, and I thank him for his services to the State of Louisiana.•

MESSAGES FROM THE HOUSE

At 11:14 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 179. An act to designate the facility of the United States Postal Service located at 14 3rd Avenue, NW, in Chisholm, Minnesota, as the ''James L. Oberstar Memorial Post Office Building''.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 208. An act to improve the disaster assistance programs of the Small Business Administration.

H.R. 387. An act to provide for certain land to be taken into trust for the benefit of Morongo Band of Mission Indians, and for other purposes.

H.R. 1023. An act to amend the Small Business Investment Act of 1958 to provide for increased limitations on leverage for multiple licenses under common control.

H.R. 2499. An act to amend the Small Business Act to increase access to capital for veteran entrepreneurs, to help create jobs, and for other purposes.

H.R. 2670. An act to amend the Small Business Act to provide for expanded participation in the microloan program, and for other purposes.

ENROLLED BILL SIGNED

At 12:47 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 179. An act to designate the facility of the United States Postal Service located at 14 3rd Avenue, NW, in Chisholm, Minnesota, as the ''James L. Oberstar Memorial Post Office Building''.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 208. An act to improve the disaster assistance programs of the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

H.R. 387. An act to provide for certain land to be taken into trust for the benefit of Morongo Band of Mission Indians, and for other purposes; to the Committee on Indian Affairs.

H.R. 2670. An act to amend the Small Business Act to provide for expanded participation in the microloan program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1023. An act to amend the Small Business Investment Act of 1958 to provide for increased limitations on leverage for multiple licenses under common control.

H.R. 2499. An act to amend the Small Business Act to increase access to capital for veteran entrepreneurs, to help create jobs, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 14, 2015, she had presented to the President of the United States the following enrolled bills:

S. 179. An act to designate the facility of the United States Postal Service located at 14 3rd Avenue, NW, in Chisholm, Minnesota, as the ''James L. Oberstar Memorial Post Office Building''.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. SHAHEEN:

S. 1754. A bill to amend title 38, United States Code, to make permanent the temporary increase in number of judges presiding over the United States Court of Appeals for Veterans Claims, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCHATZ (for himself, Mr. HEINRICH, Mrs. FEINSTEIN, Mr. BOOKER, Mr. WHITEHOUSE, and Mr. FRANKEN):

S. 1755. A bill to amend the Internal Revenue Code of 1986 to provide for a 5-year extension of the tax credit for residential energy efficient property; to the Committee on Finance.

By Mrs. SHAHEEN (for herself and Mr. COONS):

S. 1756. A bill to help small businesses take advantage of energy efficiency; to the Committee on Small Business and Entrepreneurship.

By Mr. PORTMAN (for himself, Mr. HEINRICH, Mr. THUNE, and Mr. BENNET):

S. 1757. A bill to amend title XVIII of the Social Security Act to promote health care technology innovation and access to medical devices and services for which patients choose to self-pay under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. COATS:

S. 1758. A bill to amend the Social Security Act to make certain revisions to provisions limiting payment of benefits to fugitive felons under titles II, VIII, and XVI of the Social Security Act; to the Committee on Finance.

By Mr. REID (for Mr. NELSON (for himself, Ms. KLOBUCHAR, and Mr. DONNELLY)):

S. 1759. A bill to prevent caller ID spoofing, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. GILLIBRAND (for herself, Mr. KIRK, and Mr. DURBIN):

S. 1760. A bill to prevent gun trafficking; to the Committee on the Judiciary.

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

S. 1761. A bill to take certain Federal land located in Lassen County, California, into trust for the benefit of the Susanville Indian Rancheria, and for other purposes; to the Committee on Indian Affairs.

By Mr. CRUZ:

S. 1762. A bill to amend the Immigration and Nationality Act to increase the penalties applicable to aliens who unlawfully reenter the United States after being removed; to the Committee on the Judiciary.

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

S. 1763. A bill to require a study on the public health and environmental impacts of the production, transportation, storage, and use of petroleum coke, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PAUL:

S. 1764. A bill to prohibit certain Federal funds from being made available to sanctuary cities and for other purposes; to the Committee on the Judiciary.

By Mr. BENNET (for himself, Mr. MERKLEY, and Ms. BALDWIN):

S. 1765. A bill to amend the Older Americans Act of 1965 to provide equal treatment of LGBT older individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself and Mr. LANKFORD):

S. Res. 223. A resolution designating September 2015 as ''National Child Awareness Month'' to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing the efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 192

At the request of Mr. ALEXANDER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 192, a bill to reauthorize the Older Americans Act of 1965, and for other purposes.

S. 298

At the request of Mr. BENNET, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 298, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option of providing services to children with medically complex conditions under the Medicaid program and Children's Health Insurance Program through a care coordination program focused on improving health outcomes for children with medically complex conditions and lowering costs, and for other purposes.

S. 326

At the request of Mr. FLAKE, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 326, a bill to amend the Healthy Forests Restoration Act of 2003 to provide cancellation ceilings for stewardship end result contracting projects, and for other purposes.

S. 491

At the request of Ms. KLOBUCHAR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 491, a bill to lift the trade embargo on Cuba.

S. 571

At the request of Mr. INHOFE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 571, a bill to amend the Pilot's Bill of Rights to facilitate appeals and to apply to other certificates issued by the Federal Aviation Administration, to require the revision of the third class medical certification regulations issued by the Federal Aviation Administration, and for other purposes.

S. 637

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 637, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 667

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 667, a bill to ensure that organizations with religious or moral convictions are allowed to continue to provide services for children.

S. 700

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 700, a bill to amend the Asbestos Information Act of 1988 to establish a public database of asbestos-containing products, to require public disclosure of information pertaining to the manufacture, processing, distribution, and use of asbestos-containing products in the United States, and for other purposes.

S. 704

At the request of Mr. GRASSLEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 704, a bill to establish a Community-Based Institutional Special Needs Plan demonstration program to target home and community-based care to eligible Medicare beneficiaries.

S. 707

At the request of Mr. MARKEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 707, a bill to provide certain protections from civil liability with respect to the emergency administration of opioid overdose drugs.

S. 885

At the request of Ms. WARREN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 885, a bill to direct the Architect of the Capitol to place in the United States Capitol a chair honoring American Prisoners of War/Missing in Action.

S. 928

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 928, a bill to reauthorize the World Trade Center Health Program and the September 11th Victim Compensation Fund of 2001, and for other purposes.

S. 1021

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1021, a bill to require the Secretary of Veterans Affairs to award grants to establish, or expand upon, master's degree programs in orthotics and prosthetics, and for other purposes.

S. 1170

At the request of Mrs. FEINSTEIN, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1170, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research, and for other purposes.

S. 1212

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1212, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1214

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1214, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 1300

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1300, a bill to amend the section 221 of the Immigration and Nationality Act to provide relief for adoptive families from immigrant visa fees in certain situations.

S. 1392

At the request of Mr. MARKEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1392, a bill to require certain practitioners authorized to prescribe controlled substances to complete continuing education.

S. 1409

At the request of Mr. MARKEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1409, a bill to amend title XIX of the Social Security Act to require States to suspend, rather than terminate, an individual's eligibility for medical assistance under the State Medicaid plan while such individual is an inmate of a public institution.

S. 1491

At the request of Mr. BROWN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1491, a bill to provide sensible relief to community financial institutions, to protect consumers, and for other purposes.

S. 1498

At the request of Mr. WYDEN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1498, a bill to amend title 10, United States Code, to require that military working dogs be retired in the United States, and for other purposes.

S. 1512

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1512, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 1533

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1533, a bill to authorize the Secretary of the Interior to coordinate Federal and State permitting processes related to the construction of new surface water storage projects on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture and to designate the Bureau of Reclamation as the lead agency for permit processing, and for other purposes.

S. 1555

At the request of Ms. HIRONO, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1555, a bill to award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II.

S. 1617

At the request of Mrs. SHAHEEN, the names of the Senator from Kansas (Mr. MORAN), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of S. 1617, a bill to prevent Hizballah and associated entities from gaining access to international financial and other institutions, and for other purposes.

S. 1654

At the request of Mr. REED, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1654, a bill to prevent deaths occurring from drug overdoses.

S. 1746

At the request of Mr. CARDIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1746, a bill to require the Office of Personnel Management to provide complimentary, comprehensive identity protection coverage to all individuals whose personally identifiable information was compromised during recent data breaches at Federal agencies.

S. RES. 222

At the request of Mr. LEAHY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Vermont (Mr. SANDERS), the Senator from California (Mrs. FEINSTEIN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Hawaii (Ms. HIRONO) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. Res. 222, a resolution expressing the sense of the Senate that the Federation Internationale de Football Association should immediately eliminate gender pay inequity and treat all athletes with the same respect and dignity.

AMENDMENT NO. 2128

At the request of Mr. KAINE, the names of the Senator from Ohio (Mr. PORTMAN), the Senator from West Virginia (Mrs. CAPITO) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 2128 intended to be proposed to S. 1177, an original bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

AMENDMENT NO. 2135

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 2135 intended to be proposed to S. 1177, an original bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

AMENDMENT NO. 2152

At the request of Mr. CASEY, the names of the Senator from Montana (Mr. TESTER), the Senator from Rhode Island (Mr. REED), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 2152 intended to be proposed to S. 1177, an original bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

AMENDMENT NO. 2162

At the request of Mr. LEE, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of amendment No. 2162 proposed to S. 1177, an original bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

AMENDMENT NO. 2179

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of amendment No. 2179 intended to be proposed to S. 1177, an original bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

AMENDMENT NO. 2180

At the request of Mr. CRUZ, the names of the Senator from Georgia (Mr. PERDUE) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 2180 intended to be proposed to S. 1177, an original bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

AMENDMENT NO. 2227

At the request of Mr. CORNYN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 2227 intended to be proposed to S. 1177, an original bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 1763. A bill to require a study on the public health and environmental impacts of the production, transportation, storage, and use of petroleum coke, and for other purposes; to the Committee on Environment and Public Works.

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. 1763

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 ''Petroleum Coke Transparency and Public Health Protection Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In the past several years, United States crude oil refineries have grown their coking capacity to accommodate the conversion of heavy crude oils into refined petroleum products.

(2) As coking capacity has grown, the domestic production of petroleum coke is expected to grow, leading to increases in the storage, transportation, and use of the material.

(3) In Detroit, piles of petroleum coke have been stored in the open air on the banks of the Detroit River.

(4) Uncovered piles of petroleum coke have also been stored in Southeast Chicago near homes and local baseball fields.

(5) State regulators, communities, and industry stakeholders would benefit from a complete understanding of petroleum coke and the potential impact on public health and the environment related to the production, transportation, storage, and use of petroleum coke.

SEC. 3. STUDY OF PETROLEUM COKE PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Secretary of Energy, shall submit to Congress a report containing the results of a study concerning petroleum coke that includes the following:

(1) An analysis of the public health and environmental impacts of the production, transportation, storage, and use of petroleum coke.

(2) An assessment of potential approaches and best practices for storing, transporting, and managing petroleum coke.

(3) A quantitative analysis of current and projected domestic petroleum coke production and utilization locations.

(b) BEST AVAILABLE SCIENCE.—The study under subsection (a) shall be carried out using the best available science, including readily available information from appropriate State agencies, nonprofit entities, academic entities, and industry.

(c) PUBLICATION OF REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish on the Internet website of the Department of Health and Human Service the report described in subsection (a).

SEC. 4. IMPLEMENTATION OF STANDARDS.

Not later than one year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall promulgate rules concerning the storage and transportation of petroleum coke that ensure the protection of public and ecological health based upon the findings of the study conducted under section 3.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 223—DESIGNATING SEPTEMBER 2015 AS ''NATIONAL CHILD AWARENESS MONTH'' TO PROMOTE AWARENESS OF CHARITIES BENEFITTING CHILDREN AND YOUTH-SERVING ORGANIZATIONS THROUGHOUT THE UNITED STATES AND RECOGNIZING THE EFFORTS MADE BY THOSE CHARITIES AND ORGANIZATIONS ON BEHALF OF CHILDREN AND YOUTH AS CRITICAL CONTRIBUTIONS TO THE FUTURE OF THE UNITED STATES

Mrs. FEINSTEIN (for herself and Mr. LANKFORD) submitted the following resolution; which was considered and agreed to:

S. RES. 223

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of, and increasing support for, organizations that provide access to health care, social services, education, the arts, sports, and other services will result in the development of character and the future success of the children and youth of the United States;

Whereas the month of September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase focus on children and youth throughout the United States;

Whereas the month of September is a time for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2015 as ''National Child Awareness Month'' would recognize that a long-term commitment to children and youth is in the public interest and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2015 as ''National Child Awareness Month''—

(1) to promote awareness of charities benefitting children and youth-serving organizations throughout the United States; and

(2) to recognize the efforts made by the charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2229. Mr. BLUMENTHAL (for himself, Mr. MURPHY, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table.

SA 2230. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2231. Mr. BOOZMAN (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2232. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2233. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2234. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2235. Ms. HEITKAMP submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2236. Ms. WARREN (for herself, Mr. BOOKER, Mr. DURBIN, Ms. BALDWIN, Mr. BROWN, Ms. HIRONO, Mr. MARKEY, Mr. HEINRICH, Mr. SANDERS, Mr. WYDEN, Mr. CASEY, Mr. FRANKEN, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2237. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2238. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2239. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2240. Mr. SCHATZ (for himself, Ms. MURKOWSKI, and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2241. Mr. MURPHY (for himself, Mr. BOOKER, Mr. COONS, Ms. WARREN, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2242. Mr. CASEY (for himself, Mrs. MURRAY, Ms. HIRONO, Mr. DURBIN, Mr. MURPHY, Mr. HEINRICH, Ms. BALDWIN, Mr. UDALL, Mr. SCHATZ, Ms. MIKULSKI, Mr. FRANKEN, Mr. MARKEY, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. WYDEN, Mr. COONS, Ms. WARREN, Ms. CANTWELL, Mrs. SHAHEEN, Mr. SCHUMER, Mr. SANDERS, Mr. BOOKER, Mr. TESTER, Mr. REED, Ms. KLOBUCHAR, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2243. Mr. COONS (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2244. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2245. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2246. Mr. MCCAIN (for himself and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2247. Mr. BURR (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2248. Mr. BURR (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2249. Ms. WARREN (for herself, Mr. GARDNER, and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2250. Mr. BENNET (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2251. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2252. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2253. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2254. Mr. KING (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

SA 2255. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2229. Mr. BLUMENTHAL (for himself, Mr. MURPHY, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 281, between lines 9 and 10, insert the following:

''(IV) programs that supplement, not supplant, training for teachers, principals, other school leaders, or specialized instructional support personnel in practices that have demonstrated effectiveness in improving student achievement, attainment, behavior, and school climate through addressing the social and emotional development needs of students, such as through social and emotional learning programming.

On page 302, between lines 17 and 18, insert the following:

''(vi) address the social and emotional development needs of students to improve student achievement, attainment, behavior, and school climate such as through social and emotional learning programming;

SA 2230. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5011. CLIMATE CHANGE EDUCATION.

(a) SHORT TITLE.—This section may be cited as the ''Climate Change Education Act''.

(b) FINDINGS.—Congress finds that—

(1) carbon pollution is accumulating in the atmosphere, causing global temperatures to rise at a rate that poses a significant threat to the economy and security of the United States, to public health and welfare, and to the global environment;

(2) climate change is already impacting the United States with sea level rise, ocean acidification, and more frequent or intense extreme weather events such as heat waves, heavy rainfalls, droughts, floods, and wildfires;

(3) the scientific evidence for human-induced climate change is overwhelming and undeniable as demonstrated by statements from the National Academy of Sciences, the National Climate Assessment, and numerous other science professional organizations in the United States;

(4) the United States has a responsibility to children and future generations of the United States to address the harmful effects of climate change;

(5) providing clear information about climate change, in a variety of forms, can encourage individuals and communities to take action;

(6) the actions of a single nation cannot solve the climate crisis, so solutions that address both mitigation and adaptation must involve developed and developing nations around the world;

(7) investing in the development of innovative clean energy and energy efficiency technologies will—

(A) enhance the global leadership and competitiveness of the United States; and

(B) create and sustain short and long term job growth;

(8) implementation of measures that promote energy efficiency, conservation, renewable energy, and low-carbon fossil energy will greatly reduce human impact on the environment; and

(9) education about climate change is important to ensure the future generation of leaders is well-informed about the challenges facing our planet in order to make decisions based on science and fact.

(c) AMENDMENT TO ESEA.—Title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.), as amended by section 5010, is further amended by adding at the end the following:

"PART J—CLIMATE CHANGE EDUCATION

"SEC. 5911. CLIMATE CHANGE EDUCATION PROGRAM.

''(a) PURPOSE.—The purpose of this section is to—

''(1) broaden the understanding of human induced climate change, possible long and short-term consequences, and potential solutions;

''(2) provide learning opportunities in climate science education for all students through grade 12, including those of diverse cultural and linguistic backgrounds;

''(3) emphasize actionable information to help students understand how to utilize new technologies and programs related to energy conservation, clean energy, and carbon pollution reduction; and

''(4) inform the public of impacts to human health and safety as a result of climate change.

''(b) GRANTS AUTHORIZED.—The Secretary, in consultation with the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, and the Department of Energy, shall establish a competitive grant program to provide grants to States to—

''(1) develop or improve climate science curriculum and supplementary educational materials for grades kindergarten through grade 12;

''(2) initiate, develop, expand, or implement statewide plans and programs for climate change education, including relevant teacher training and professional development and multidisciplinary studies to ensure that students graduate from high school climate literate; or

''(3) create State green school building standards or policies.

''(c) APPLICATION.—A State desiring to receive 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 reasonably require.

''(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall transmit to Congress a report that evaluates the scientific merits, educational effectiveness, and broader impacts of activities under this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.''.

SA 2231. Mr. BOOZMAN (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 284, strike lines 4 through 8 and insert the following:

(xix) Supporting the efforts and professional development of teachers, principals, and other school leaders to integrate academic and career and technical education content into instructional practices, which may include—

(I) integrating career and technical education with advanced coursework, such as by allowing the acquisition of postsecondary credits, recognized postsecondary credentials, and industry-based credentials, by students while in high school; or

(II) coordinating activities with employers and entities carrying out initiatives under other workforce development programs to identify State and regional workforce needs, such as through the development of State and local plans under title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111 et seq);

On page 306, strike lines 18 through 23 and insert the following:

(U) providing high-quality professional development for teachers, principals, and other school leaders on effective strategies to integrate rigorous academic content, career and technical education, and work-based learning, if appropriate, which may include providing common planning time, to help prepare students for postsecondary education and the workforce without the need for remediation; and

---

SA 2232. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 431, between lines 19 and 20, insert the following:

''(e) PROJECT SERV.—

''(1) ADDITIONAL USE OF FUNDS.—Funds available under subsection (a)(4) for extended services grants under the Project School Emergency Response to Violence program (referred to in this subsection as the 'Project SERV program') may be used by a local educational agency or institution of higher education receiving such grant to initiate or strengthen violence prevention activities, as part of the activities designed to restore the learning environment that was disrupted by the violent or traumatic crisis in response to which the grant was awarded, and as provided in this subsection.

''(2) APPLICATION PROCESS.—

''(A) IN GENERAL.—A local educational agency or institution of higher education desiring to use a portion of extended services grant funds under the Project SERV program to initiate or strengthen a violence prevention activity shall—

''(i) submit, in an application that meets all requirements of the Secretary for the Project SERV program, the information described in subparagraph (B); or

''(ii) in the case of a local educational agency or institution of higher education that has already received an extended services grant under the Project SERV program, submit an addition to the original application that includes the information described in subparagraph (B).

''(B) APPLICATION REQUIREMENTS.—The information required under this subparagraph is the following:

''(i) A demonstration that there is a continued disruption or a substantial risk of disruption to the learning environment that would be addressed by such activity.

''(ii) An explanation of the proposed activity designed to restore and preserve the learning environment.

''(iii) A budget and budget narrative for the proposed activity.

''(3) AWARD BASIS.—Any award of funds under the Project SERV program for violence prevention activities under this subsection shall be subject to the discretion of the Secretary and the availability of funds.

''(4) PROHIBITED USE.—No funds provided to a local educational agency or institution of higher education under the Project SERV program for violence prevention activities may be used for construction, renovation, or repair of a facility or for the permanent infrastructure of the local educational agency or institution.

SA 2233. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 630, between lines 4 and 5, insert the following:

SEC. 5011. WORLD LANGUAGE ADVANCEMENT GRANT PROGRAM.

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part I, as added by section 5010, the following:

"PART J—WORLD LANGUAGE ADVANCEMENT ACT

"SEC. 5910. SHORT TITLE.

''This part may be cited as the 'World Language Advancement Act of 2015'.

"SEC. 5911. PROGRAM AUTHORIZED.

''(a) PROGRAM AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to make grants, on a competitive basis, to State educational agencies and local educational agencies to pay the Federal share of the cost of innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary school and secondary school students.

''(2) DURATION.—Each grant under paragraph (1) shall be awarded for a period of 3 years.

''(b) REQUIREMENTS.—In awarding a grant under subsection (a) to a State educational agency or local educational agency, the Secretary shall support programs that—

''(1) show the promise of being continued beyond the grant period;

''(2) demonstrate approaches that can be disseminated and duplicated in other States or local educational agencies; and

''(3) may include a professional development component.

''(c) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share for each fiscal year shall be 50 percent.

''(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for a State educational agency or local educational agency if the Secretary determines that applying the matching requirement would result in serious hardship or an inability to carry out the activities described in this part.

''(d) SPECIAL RULE.—Not less than 75 percent of the funds made available to carry out this part shall be used for the expansion of foreign language learning in the elementary grades.

''(e) RESERVATION.—The Secretary may reserve not more than 5 percent of funds made available to carry out this part for a fiscal year to evaluate the efficacy of programs assisted under this part.

"SEC. 5912. APPLICATIONS.

''(a) IN GENERAL.—Any State educational agency or local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in

such manner, and containing such information and assurances as the Secretary may require.

''(b) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications describing programs that—

''(1) include intensive summer foreign language programs for professional development of foreign language teachers;

''(2) link non-native English speakers in the community with the schools in order to promote two-way language learning;

''(3) promote the sequential study of a foreign language for students, beginning in elementary schools;

''(4) make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study; and

''(5) promote innovative activities, such as foreign language immersion, partial foreign language immersion, or content-based instruction.

''SEC. 5913. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary.''.

SA 2234. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

After section 9115, insert the following:

SEC. 9116. RULE OF CONSTRUCTION REGARDING TRAVEL TO AND FROM SCHOOL.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections, 9114 and 9115, and redesignated by section 9601, is further amended by adding at the end the following:

''SEC. 9539A. RULE OF CONSTRUCTION REGARDING TRAVEL TO AND FROM SCHOOL.

''(a) IN GENERAL.—Subject to subsection (b), nothing in this Act shall authorize the Secretary to, or shall be construed to—

''(1) prohibit a child from traveling to and from school on foot or by car, bus, or bike when the parents of the child have given permission; or

''(2) expose parents to civil or criminal charges for allowing their child to responsibly and safely travel to and from school by a means the parents believe is age appropriate.

''(b) NO PREEMPTION OF STATE OR LOCAL LAWS.—Notwithstanding subsection (a), nothing in this section shall be construed to preempt State or local laws.''.

SA 2235. Ms. HEITKAMP submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 669, strike lines 3 and 4, and insert the following:

''(7) activities designed to educate individuals and improve school climate and safety, such as training for school personnel related to conflict prevention and resolution practices, including—

''(A) suicide prevention;

''(B) substance abuse prevention;

''(C) effective and trauma-informed practices in classroom management;

''(D) crisis management techniques;

''(E) human trafficking (defined as an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)); and

''(F) school-based violence prevention strategies;

SA 2236. Ms. WARREN (for herself, Mr. BOOKER, Mr. DURBIN, Ms. BALDWIN, Mr. BROWN, Ms. HIRONO, Mr. MARKEY, Mr. HEINRICH, Mr. SANDERS, Mr. WYDEN, Mr. CASEY, Mr. FRANKEN, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 146, line 12, strike the semicolon and insert the following: '', which method shall identify a public high school as in need of intervention and support if the high school—

(i) has a 4-year adjusted cohort graduation rate at or below 67 percent for 2 or more consecutive years; or

(ii) has an extended-year adjusted cohort graduation rate at or below 67 percent (or a higher percentage determined by the State);

SA 2237. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 840, after line 5, add the following:

PART C—MISCELLANEOUS REAUTHORIZATIONS

SEC. 10301. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) DEFINITION OF FULL FUNDING AMOUNT.—Section 3(11) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7102(11)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C)—

(A) by striking ''fiscal year 2012 and each fiscal year thereafter'' and inserting ''each of fiscal years 2012 and 2013''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) for fiscal year 2014 and each fiscal year thereafter, the amount that is equal to the full funding amount for fiscal year 2011.''.

(b) SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND.—

(1) AVAILABILITY OF PAYMENTS.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended by striking ''2013'' each place it appears and inserting ''2016''.

(2) ELECTIONS.—Section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(b)) is amended—

(A) in paragraph (1)(A), by striking ''by August 1, 2013 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter'' and inserting ''by August 1 of each applicable fiscal year (or as soon thereafter as the Secretary concerned determines is practicable)''; and

(B) in paragraph (2)(B)—

(i) by striking ''in 2013'' and inserting ''in 2014''; and

(ii) by striking ''fiscal year 2013'' and inserting ''fiscal year 2016''.

(3) ELECTION AS TO USE OF BALANCE.—Section 102(d)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(1)) is amended—

(A) in subparagraph (B)(ii), by striking ''not more than 7 percent of the total share for the eligible county of the State payment or the county payment'' and inserting ''any portion of the balance''; and

(B) by striking subparagraph (C) and inserting the following:

''(C) COUNTIES WITH MAJOR DISTRIBUTIONS.—In the case of each eligible county to which $350,000 or more is distributed for any fiscal year pursuant to paragraph (1)(B) or (2)(B) of subsection (a), the eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

''(i) Reserve any portion of the balance for projects in accordance with title II.

''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

''(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.''.

(4) NOTIFICATION OF ELECTION.—Section 102(d)(3)(A) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(3)(A)) is amended by striking ''2012,'' and inserting ''2014 (or as soon thereafter as the Secretary concerned determines is practicable)''.

(5) FAILURE TO ELECT.—Section 102(d)(3)(B)(ii) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(3)(B)(ii)) is amended by striking ''purpose described in section 202(b)'' and inserting ''purposes described in section 202(b), 203(c), or 204(a)(5)''.

(6) DISTRIBUTION OF PAYMENTS TO ELIGIBLE COUNTIES.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking ''2013'' and inserting ''2016''.

(c) CONTINUATION OF AUTHORITY TO CONDUCT SPECIAL PROJECTS ON FEDERAL LAND.—

(1) SUBMISSION OF PROJECT PROPOSALS.—Section 203(a)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7123(a)(1)) is amended by striking ''September 30 for fiscal year 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2013'' and inserting ''September 30 of each applicable fiscal year (or as soon thereafter as the Secretary concerned determines is practicable)''.

(2) EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.—Section 204(e) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7124(e)) is amended by striking paragraph (3).

(3) RESOURCE ADVISORY COMMITTEES.—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking ''2012'' each place it appears and inserting ''2015''.

(4) AVAILABILITY OF PROJECT FUNDS.—Section 207(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7127(a)) is amended by striking ''September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2013'' and inserting ''September 30 of

each applicable fiscal year (or as soon thereafter as the Secretary concerned determines is practicable)''.

(5) TERMINATION OF AUTHORITY.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(A) in subsection (a), by striking ''2013'' and inserting ''2016 (or as soon thereafter as the Secretary concerned determines is practicable)''; and

(B) in subsection (b), by striking ''2014'' and inserting ''2017''.

(d) CONTINUATION OF AUTHORITY TO RESERVE AND USE COUNTY FUNDS.—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(1) in subsection (a), by striking ''2013'' and inserting ''2016 (or as soon thereafter as the Secretary concerned determines is practicable)''; and

(2) in subsection (b), by striking ''September 30, 2014, shall be returned to the Treasury of the United States'' and inserting ''September 30, 2017, may be retained by the counties for the purposes identified in section 302(a)(2)''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 402 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7152) is amended by striking ''2013'' and inserting ''2016''.

(f) AVAILABILITY OF FUNDS.—

(1) TITLE II FUNDS.—Any funds that were not obligated as required by section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) (as in effect on the day before the date of enactment of this Act) shall be available for use in accordance with title II of that Act (16 U.S.C. 7121 et seq.).

(2) TITLE III FUNDS.—Any funds that were not obligated as required by section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) (as in effect on the day before the date of enactment of this Act) shall be available for use in accordance with title III of that Act (16 U.S.C. 7141 et seq.).

SEC. 10302. RESTORING MANDATORY FUNDING STATUS TO THE PAYMENT IN LIEU OF TAXES PROGRAM.

Section 6906 of title 31, United States Code, is amended in the matter preceding paragraph (1), by striking ''of fiscal years 2008 through 2014'' and inserting ''fiscal year''.

SA 2238. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 128, line 7, insert ''the school receives a waiver from the State educational agency and'' after ''if''.

SA 2239. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

Beginning on page 53, strike line 6 and all that follows through line 3 on page 54 and insert the following:

''(i)(I) Annually establishes State-designed ambitious but achievable goals for all students and separately for each of the categories of students in the State. Such goals shall expect accelerated academic gains from the categories of students who are the farthest away from reaching the State-determined multi-year goals as described in subclause (II) and the graduation rate goals as described in subclause (III) and shall include, at a minimum—

''(aa) academic achievement, which may include student growth, on the State assessments under paragraph (2); and

''(bb) high school graduation rates, including—

''(AA) the 4-year adjusted cohort graduation rate; and

''(BB) at the State's discretion, the extended-year adjusted cohort graduation rate.

''(II) Sets multi-year goals that are consistent with the challenging State academic standards under subsection (b)(1)(A) to ensure that all students graduate prepared to enter the workforce or postsecondary education without the need for postsecondary remediation.

''(III) Sets a multi-year graduation rate goal of not less than 90 percent.

SA 2240. Mr. SCHATZ (for himself, Ms. MURKOWSKI, and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 1020___. REPORT ON NATIVE AMERICAN LANGUAGE MEDIUM EDUCATION.

(a) PURPOSE.—The purpose of this section is to authorize a study to evaluate all levels of education being provided primarily through the medium of Native languages and to require a report of the findings, within the context of the findings, purposes, and provisions of the Native American Languages Act (25 U.S.C. 2901), the findings, purposes, and provisions of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and other related laws.

(b) STUDY AND REVIEW.—The Secretary of Education shall award grants to eligible entities to study and review Native language medium schools and programs.

(c) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a consortium that—

(1) includes not less than 3 units of an institution of higher education, such as a department, center, or college, that has significant experience—

(A) and expertise in Native American or Alaska Native languages, and Native language medium education; and

(B) in outreach and collaboration with Native communities;

(2) has within its membership at least 10 years of experience—

(A) addressing a range of Native American or Alaska Native languages and indigenous language medium education issues through the lens of Native studies, linguistics, and education; and

(B) working in close association with a variety of schools and programs taught predominantly through the medium of a Native language;

(3) includes for each of American Indians, Alaska Natives, and Native Hawaiians, at least 1 unit of an institution of higher education that focuses on schools that serve such populations; and

(4) includes Native American scholars and staff who are fluent in Native American languages.

(d) APPLICATIONS.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary of Education that—

(1) identifies 1 unit in the consortium that is the lead unit of the consortium for the study, reporting, and funding purposes;

(2) includes letters of verification of participation from the top internal administrators of each unit in the consortium;

(3) includes a brief description of how the consortium meets the eligibility qualifications under subsection (c);

(4) describes the work proposed to carry out the purpose of this section; and

(5) provides other information as requested by the Secretary of Education.

(e) SCOPE OF STUDY.—An eligible entity that receives a grant under this section shall use the grant funds to study and review Native American language medium schools and programs and evaluate the components, policies, and practices of successful Native language medium schools and programs and how the students who enroll in them do over the long term, including—

(1) the level of expertise in educational pedagogy, Native language fluency, and experience of the principal, teachers, paraprofessionals, and other educational staff;

(2) how such schools and programs are using Native languages to provide instruction in reading, language arts, mathematics, science, and, as applicable, other core academic subjects;

(3) how such school and programs' curricula incorporates the relevant Native culture of the students;

(4) how such schools and programs assess the academic proficiency of the students, including—

(A) whether the school administers assessments of language arts, mathematics, science, and other academic subjects in the Native language of instruction;

(B) whether the school administers assessments of language arts, mathematics, science, and other academic subjects in English; and

(C) how the standards measured by the assessments in the Native language of instruction and in English compare;

(5) the academic, graduation rate, and other outcomes of students who have completed the highest grade taught primarily through such schools or programs, including, when available, college attendance rates compared with demographically similar students who did not attend a school in which the language of instruction was a Native language; and

(6) other appropriate information consistent with the purpose of this section.

(f) OTHER ENTITIES.—An eligible entity may enter into a contract with another individual, entity, or organization to assist in carrying out research necessary to fulfill the purpose of this section.

(g) RECOMMENDATIONS.—Not later than 18 months after the date of enactment of this Act, an eligible entity that receives a grant under this section shall—

(1) develop a detailed statement of findings and conclusions regarding the study completed under subsection (e), including recommendations for such legislative and administrative actions as the eligible entity considers to be appropriate; and

(2) submit a report setting forth the findings and conclusions, including recommendations, described in paragraph (1) to each of the following:

(A) The Committee on Health, Education, Labor, and Pensions of the Senate.

(B) The Committee on Education and the Workforce of the House of Representatives.

(C) The Committee on Indian Affairs of the Senate.

(D) The Subcommittee on Indian, Insular, and Alaska Native Affairs of the House of Representatives.

(E) The Secretary of Education.

(F) The Secretary of the Interior.

SA 2241. Mr. MURPHY (for himself, Mr. BOOKER, Mr. COONS, Ms. WARREN, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 26, strike lines 5 through 9.

On page 27, line 11, strike ''goals, or metrics'' and insert ''or goals''.

On page 27, strike lines 13 through 17.

Beginning on page 53, strike line 6 and all that follows through page 58, line 25, and insert the following:

''(i) Establishes measurable State-designed goals for all students and separately for each of the categories of students in the State that take into account the progress necessary for all students and each of the categories of students to graduate from high school prepared for postsecondary education or the workforce without the need for postsecondary remediation, which shall be based on a composite of the following indicators:

''(I) Academic achievement, which may include student growth, on the State assessments under paragraph (2).

''(II) High school graduation rates, including—

''(aa) the 4-year adjusted cohort graduation rate; and

''(bb) at the State's discretion, the extended-year adjusted cohort graduation rate.

''(III) For public elementary schools and secondary schools that are not high schools, an academic indicator of student performance that is valid and reliable and the same statewide for all public elementary school students and all students at such secondary schools and each category of students and which is consistent with progress toward readiness for postsecondary education or the workforce without the need for postsecondary remediation, which may include—

''(aa) measures of early literacy skills;

''(bb) performance measures aligned to the State's challenging academic standards;

''(cc) student project-based assessments or student portfolios that meet assessment requirements under clauses (i) through (v), (vii), (viii), and (x) through (xiii) of paragraph (2)(B); or

''(dd) on-track rates to postsecondary education or the workforce without the need for postsecondary remediation.

''(IV) English language proficiency of all English learners towards meeting the goals described in subsection (c)(1)(K) in all public schools and local educational agencies, which may include measures of student growth.

''(V) Not less than one other valid and reliable indicator of student readiness to enter postsecondary education or the workforce without the need for remediation, that will be applied to all local educational agencies and all public schools consistently throughout the State for all students and for each of the categories of students, which may include measures of—

''(aa) successful completion of Advanced Placement, International Baccalaureate, dual or concurrent enrollment, or early college high school courses;

''(bb) student project-based assessments or student portfolios that meet assessment requirements under clauses (i) through (v), (vii), (viii), and (x) through (xiii) of paragraph (2)(B);

''(cc) student attainment of industry-recognized credentials for career and technical education; or

''(dd) performance measures aligned to the State's challenging academic standards.

''(VI) Not less than one other valid and reliable indicator of school quality, student success, or student supports, as determined appropriate by the State, that will be applied to all local educational agencies and public schools consistently throughout the State for all students and for each of the categories of students, which may include measures of—

''(aa) student engagement, such as attendance rates and chronic absenteeism;

''(bb) educator engagement, such as educator satisfaction (including working conditions within the school), teacher quality and effectiveness, and teacher absenteeism;

''(cc) results from student, parent, and educator surveys;

''(dd) school climate and safety, such as incidents of school violence, bullying, and harassment, and disciplinary rates, including rates of suspension, expulsion, referrals to law enforcement, school-based arrests, disciplinary transfers (including placements in alternative schools), and student detentions;

''(ee) student access to or success in advanced coursework or educational programs or opportunities; and

''(ff) any other State-determined measure of school quality or student success.

''(VII) In carrying out this clause and in developing the composite goals for all students and for each category of students, the indicators described in subclauses (I), (II), (III), and (IV) shall weigh more heavily than the indicators described in subclauses (V) and (VI) combined.

''(ii) Establishes a system of annually identifying and meaningfully differentiating among all public schools in the State, which shall—

''(I) be based on the goals described in clause (i) for all students and separately for each of the categories of students; and

''(II) differentiate schools where any category of students miss the goals described in clause (i) for 2 consecutive years.

''(iii) For public schools receiving assistance under this part, meets the requirements of section 1114.

''(iv) Provides a clear and understandable explanation of the method of identifying and meaningfully differentiating schools under clause (ii).

''(v) Measures the annual progress of not less than 95 percent of all students, and students in each of the categories of students, who are enrolled in the school and are required to take the assessments under paragraph (2) and provides a clear and understandable explanation of how the State will factor this requirement into the State-designed accountability system determinations.

On page 61, line 13, strike ''(3)(B)(ii)(II)(aa)'' and insert ''(3)(B)(i)(III)''.

On page 61, line 14, strike ''paragraph (3)(B)(ii)(IV)'' and insert ''subclause (V) or (VI) of paragraph (3)(B)(i)''.

On page 61, lines 18 and 19, strike ''subclauses (III) and (IV) of paragraph (3)(B)(ii)'' and insert ''subclauses (IV), (V), and (VI) of paragraph (3)(B)(i)''.

Beginning on page 61, strike line 22 and all that follows through page 62, line 4.

Beginning on page 62, strike line 23 and all that follows through page 63, line 25 and insert the following:

''(i) the minimum number of students that the State determines are necessary to be included in each such category of students to carry out such requirements and how that number is statistically sound and is the same for each category of students;

''(ii) how such minimum number of students was determined by the State, including how the State collaborated with teachers, principals, other school leaders, parents, and other stakeholders when setting the minimum number; and

''(iii) how the State ensures that such minimum number does not reveal personally identifiable information about students;

''(B) the State educational agency's system to monitor and evaluate the intervention and support strategies implemented by local educational agencies in schools identified as in need of intervention and support under section 1114(a)(1)(A), and, if such strategies are not effective within 3 years of implementation, the steps the State will take to further assist local educational agencies;

Beginning on page 146, strike line 3 and all that follows through page 156, line 2, and insert the following:

''(a) STATE REVIEW AND RESPONSIBILITIES.—

''(1) IN GENERAL.—Each State educational agency receiving funds under this part shall use the system designed by the State under section 1111(b)(3) to annually—

''(A) meaningfully differentiate among all public schools, including public schools operated or supported by the Bureau of Indian Education, that receive funds under this part and are in need of intervention and support using the method established by the State in section 1111(b)(3)(B)(ii) which—

''(i) may include establishing multiple levels of school performance or other methods for differentiating among all public schools; and

''(ii) shall include the identification of at least—

''(I) the lowest-performing public schools that receive funds under this part in the State not meeting the goals described in section 1111(b)(3)(B)(i), and which shall include at least 5 percent of all the State's public schools that receive funds under this part;

''(II) any public high school that receives funds under this part and has a 4-year adjusted cohort graduation rate at or below 67 percent for 2 or more consecutive years, or an extended-year adjusted cohort graduation rate for 2 or more consecutive years that is at or below a rate determined by the State and set higher than 67 percent; and

''(III) any public school that receives funds under this part with any category of students, as defined in section 1111(b)(3)(A), not meeting the goals described in section 1111(b)(3)(B)(i) for 2 consecutive years;

''(B) require for inclusion—

''(i) on each local educational agency report card required under section 1111(d), the names of schools served by the agency described under subparagraph (A)(ii); and

''(ii) on each school report card required under section 1111(d), whether the school was described under subparagraph (A)(ii);

''(C) ensure that all public schools that receive funds under this part and are identified as in need of intervention and support under subparagraph (A), implement an evidence-based intervention or support strategy designed by the State or local educational agency described in subparagraph (A) or (B) of subsection (b)(3) that addresses the reason for the school's identification and that takes into account performance on all of the indicators in the State's accountability system under section 1111(b)(3)(B)(i);

''(D) prioritize intervention and supports in the identified schools most in need of intervention and support, as determined by the State, using the results of the accountability system under 1111(b)(3)(B); and

''(E) monitor and evaluate the implementation of school intervention and support

strategies by local educational agencies, including in the lowest-performing elementary schools and secondary schools in the State, and use the results of the evaluation to take appropriate steps to change or improve interventions or support strategies as necessary.

''(2) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

''(A) make technical assistance available to local educational agencies that serve schools identified as in need of intervention and support under paragraph (1)(A);

''(B) if the State educational agency determines that a local educational agency failed to carry out its responsibilities under this section, or that its intervention and support strategies were not effective within 3 years of implementation, take such actions as the State educational agency determines to be appropriate and in compliance with State law to assist the local educational agency and ensure that such local educational agency is carrying out its responsibilities;

''(C) inform local educational agencies of schools identified as in need of intervention and support under paragraph (1)(A) in a timely and easily accessible manner that is before the beginning of the school year; and

''(D) publicize and disseminate to the public, including teachers, principals and other school leaders, and parents, the results of the State review under paragraph (1).

''(b) LOCAL EDUCATIONAL AGENCY REVIEW AND RESPONSIBILITIES.—

''(1) IN GENERAL.—Each local educational agency with a school identified as in need of intervention and support under subsection (a)(1)(A) shall, in consultation with teachers, principals and other school leaders, school personnel, parents, and community members—

''(A) conduct a review of such school, including by examining the indicators and measures included in the State-determined accountability system described in section 1111(b)(3)(B) to determine the factors that led to such identification;

''(B) conduct a review of the policies, procedures, personnel decisions, and budgetary decisions of the local educational agency, including the measures on the local educational agency and school report cards under section 1111(d) that impact the school and could have contributed to the identification of the school;

''(C) develop and implement appropriate intervention and support strategies, as described in paragraph (3), that are proportional to the identified needs of the school, for assisting the identified school;

''(D) develop a rigorous comprehensive plan that will be publicly available and provided to parents, for ensuring the successful implementation of the intervention and support strategies described in paragraph (3) in identified schools, which may include—

''(i) technical assistance that will be provided to the school;

''(ii) ensuring identified schools have access to resources, such as adequate facilities, funding, and technology;

''(iii) improved delivery of services to be provided by the local educational agency;

''(iv) increased support for stronger curriculum, program of instruction, wraparound services, or other resources provided to students in the school;

''(v) any changes to personnel necessary to improve educational opportunities for children in the school;

''(vi) redesigning how time for student learning or teacher collaboration is used within the school;

''(vii) using data to inform instruction for continuous improvement;

''(viii) providing increased coaching or support for principals and other school leaders and teachers;

''(ix) improving school climate and safety;

''(x) providing ongoing mechanisms, such as evidence-based community schools and wraparound services, for family and community engagement to improve student learning;

''(xi) establishing partnerships with entities, including private entities with a demonstrated record of improving student achievement, that will assist the local educational agency in fulfilling its responsibilities under this section; and

''(xii) an ongoing process, involving parents, teachers and their representatives, principals, and other school leaders, to improve school leader and staff engagement in the development and implementation of the comprehensive plan; and

''(E) collect and use data on an ongoing basis to monitor the results of the intervention and support strategies and adjust such strategies as necessary during implementation in order to improve student academic achievement.

''(2) NOTICE TO PARENTS.—A local educational agency shall promptly provide to a parent or parents of each student enrolled in a school identified as in need of intervention and support under subsection (a)(1)(A) in an easily accessible and understandable form and, to the extent practicable, in a language that parents can understand—

''(A) an explanation of what the identification means, and how the school compares in terms of academic achievement and other measures in the State accountability system under section 1111(b)(3)(B) to other schools served by the local educational agency and the State educational agency involved;

''(B) the reasons for the identification;

''(C) an explanation of what the local educational agency or State educational agency is doing to help the school address student academic achievement and other measures, including a description of the intervention and support strategies developed under paragraph (1)(C) that will be implemented in the school;

''(D) an explanation of how the parents can become involved in addressing academic achievement and other measures that caused the school to be identified; and

''(E) an explanation of the parents' option to transfer their child to another public school under paragraph (4), if applicable.

''(3) SCHOOL INTERVENTION AND SUPPORT STRATEGIES.—

''(A) IN GENERAL.—Consistent with subsection (a)(1) and paragraph (1), a local educational agency shall develop and implement evidence-based intervention and support strategies for an identified school that the local educational agency determines appropriate to address the needs of students in such identified school, which shall—

''(i) be designed to address the specific reasons for identification, as described in paragraph (1)(A);

''(ii) take into account performance on the indicators used by the State as described in 1111(b)(3)(B)(i);

''(iii) be implemented, at a minimum, in a manner that is proportional to the specific reasons for identification, as described in subparagraphs (A) and (B) of paragraph (1); and

''(iv) distinguish between the schools identified in subclauses (I) and (II) of subsection (a)(1)(A)(ii) and in need of comprehensive supports and schools identified in subsection (a)(1)(A)(ii)(III) in need of targeted supports.

''(B) STATE-DETERMINED STRATEGIES.—Consistent with State law, a State educational agency may establish alternative evidence-based State-determined strategies that can be used by local educational agencies to assist a school identified as in need of intervention and support under subsection (a)(1)(A), in addition to the assistance strategies developed by a local educational agency under subparagraph (A).

''(4) PUBLIC SCHOOL CHOICE.—

''(A) IN GENERAL.—A local educational agency may provide all students enrolled in a school identified as in need of intervention and support under subclauses (I) and (II) of subsection (a)(1)(A)(ii) with the option to transfer to another public school served by the local educational agency, unless such an option is prohibited by State law.

''(B) PRIORITY.—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 the purposes of allocating funds to schools under section 1113(a)(3).

''(C) TREATMENT.—Students who use the option to transfer to another public school 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.

''(D) SPECIAL RULE.—A local educational agency shall permit a child who transfers to another public school under this paragraph to remain in that school until the child has completed the highest grade in that school.

''(E) FUNDING FOR TRANSPORTATION.—A local educational agency may spend an amount equal to not more than 5 percent of its allocation under subpart 2 to pay for the provision of transportation for students who transfer under this paragraph to the public schools to which the students transfer.

On page 156, strike lines 13 through 15.

SA 2242. Mr. CASEY (for himself, Mrs. MURRAY, Ms. HIRONO, Mr. DURBIN, Mr. MURPHY, Mr. HEINRICH, Ms. BALDWIN, Mr. UDALL, Mr. SCHATZ, Ms. MIKULSKI, Mr. FRANKEN, Mr. MARKEY, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. WYDEN, Mr. COONS, Ms. WARREN, Ms. CANTWELL, Mrs. SHAHEEN, Mr. SCHUMER, Mr. SANDERS, Mr. BOOKER, Mr. TESTER, Mr. REED, Ms. KLOBUCHAR, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

PART C—UNIVERSAL PREKINDERGARTEN

Subpart A—Prekindergarten Access

SEC. 10300. SHORT TITLE.

This part may be cited as the ''Strong Start for America's Children Act of 2015''.

SEC. 10301. PURPOSES.

The purposes of this subpart are to—

(1) establish a Federal-State partnership to provide access to high-quality public prekindergarten programs for all children from low-income and moderate-income families to ensure that they enter kindergarten prepared for success;

(2) broaden participation in such programs to include children from additional middle-class families;

(3) promote access to high-quality kindergarten, and high-quality early childhood education programs and settings for children; and

(4) increase access to appropriate supports so children with disabilities and other children who need specialized supports can fully participate in high-quality early education programs.

SEC. 10302. DEFINITIONS.

In this subpart:

(1) CHILD WITH A DISABILITY.—The term ''child with a disability'' means—

(A) a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401); or

(B) an infant or toddler with a disability, as defined in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

(2) COMPREHENSIVE EARLY LEARNING ASSESSMENT SYSTEM.—The term ''comprehensive early learning assessment system''—

(A) means a coordinated and comprehensive system of multiple assessments, each of which is valid and reliable for its specified purpose and for the population with which it will be used, that—

(i) organizes information about the process and context of young children's learning and development to help early childhood educators make informed instructional and programmatic decisions; and

(ii) conforms to the recommendations of the National Research Council reports on early childhood; and

(B) includes, at a minimum—

(i) child screening measures to identify children who may need follow-up services to address developmental, learning, or health needs in, at a minimum, areas of physical health, behavioral health, oral health, child development, vision, and hearing;

(ii) child formative assessments;

(iii) measures of environmental quality; and

(iv) measures of the quality of adult-child interactions.

(3) DUAL LANGUAGE LEARNER.—The term ''dual language learner'' means an individual who is limited English proficient.

(4) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ''early childhood education program'' has the meaning given the term under section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(5) ELEMENTARY SCHOOL.—The term ''elementary school'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) ELIGIBILITY DETERMINATION DATE.—The term ''eligibility determination date'' means the date used to determine eligibility for public elementary school in the community in which the eligible local entity involved is located.

(7) ELIGIBLE LOCAL ENTITY.—The term ''eligible local entity'' means—

(A) a local educational agency, including a charter school or a charter management organization that acts as a local educational agency, or an educational service agency in partnership with a local educational agency;

(B) an entity (including a Head Start program or licensed child care setting) that carries out, administers, or supports an early childhood education program; or

(C) a consortium of entities described in subparagraph (A) or (B).

(8) FULL-DAY.—The term ''full-day'' means a day that is—

(A) equivalent to a full school day at the public elementary schools in a State; and

(B) not less than 5 hours a day.

(9) GOVERNOR.—The term ''Governor'' means the chief executive officer of a State.

(10) HIGH-QUALITY PREKINDERGARTEN PROGRAM.—The term ''high-quality prekindergarten program'' means a prekindergarten program supported by an eligible local entity that includes, at a minimum, the following elements based on nationally recognized standards:

(A) Serves children who—

(i) are age 4 or children who are age 3 or 4, by the eligibility determination date (including children who turn age 5 while attending the program); or

(ii) have attained the legal age for State-funded prekindergarten.

(B) Requires high qualifications for staff, including that teachers meet the requirements of 1 of the following clauses:

(i) The teacher has a bachelor's degree in early childhood education or a related field with coursework that demonstrates competence in early childhood education.

(ii) The teacher—

(I) has a bachelor's degree in any field;

(II) has demonstrated knowledge of early childhood education by passing a State-approved assessment in early childhood education;

(III) while employed as a teacher in the prekindergarten program, is engaged in ongoing professional development in early childhood education for not less than 2 years; and

(IV) not more than 4 years after starting employment as a teacher in the prekindergarten program, enrolls in and completes a State-approved educator preparation program in which the teacher receives training and support in early childhood education.

(iii) The teacher has bachelor's degree with a credential, license, or endorsement that demonstrates competence in early childhood education.

(C) Maintains an evidence-based maximum class size.

(D) Maintains an evidence-based child to instructional staff ratio.

(E) Offers a full-day program.

(F) Provides developmentally appropriate learning environments and evidence-based curricula that are aligned with the State's early learning and development standards described in section 10305(1).

(G) Offers instructional staff salaries comparable to kindergarten through grade 12 teaching staff.

(H) Provides for ongoing monitoring and program evaluation to ensure continuous improvement.

(I) Offers accessible comprehensive services for children that include, at a minimum—

(i) screenings for vision, hearing, dental, health (including mental health), and development (including early literacy and math skill development) and referrals, and assistance obtaining services, when appropriate;

(ii) family engagement opportunities that take into account home language, such as parent conferences (including parent input about their child's development) and support services, such as parent education, home visiting, and family literacy services;

(iii) nutrition services, including nutritious meals and snack options aligned with requirements set by the most recent Child and Adult Care Food Program guidelines promulgated by the Department of Agriculture as well as regular, age-appropriate, nutrition education for children and their families;

(iv) programs in coordination with local educational agencies and entities providing services and supports authorized under part B and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.; 1431 et seq.) to ensure the full participation of children with disabilities;

(v) physical activity programs aligned with evidence-based guidelines, such as those recommended by the Institute of Medicine, and which take into account and accommodate children with disabilities;

(vi) additional support services, as appropriate, based on the findings of the community assessment, as described in section 10311(b)(4); and

(vii) on-site coordination, to the maximum extent practicable.

(J) Provides high-quality professional development for all staff, including regular in-classroom observation for teachers and teacher assistants by individuals trained in such observation and which may include evidence-based coaching.

(K) Meets the education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act (42 U.S.C. 9836a(a)(1)(B)).

(L) Maintains evidence-based health and safety standards.

(M) Maintains disciplinary policies that do not include expulsion or suspension of participating children, except as a last resort in extraordinary circumstances where—

(i) there is a determination of a serious safety threat; and

(ii) policies are in place to provide appropriate alternative early educational services to expelled or suspended children while they are out of school.

(11) HOMELESS CHILD.—The term ''homeless child'' means a child or youth described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)).

(12) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms ''Indian tribe'' and ''tribal organization'' have the meanings given the terms in 658P of the Child Care and Development Block Grant of 1990 (42 U.S.C. 9858n).

(13) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(14) LIMITED ENGLISH PROFICIENT.—The term ''limited English proficient'' has the meaning given the term in section 637 of the Head Start Act (42 U.S.C. 9832).

(15) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY; EDUCATIONAL SERVICE AGENCY.—The terms ''local educational agency'', ''State educational agency'', and ''educational service agency'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(16) MIGRATORY CHILD.—The term ''migratory child'' has the meaning given the term in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399).

(17) OUTLYING AREA.—The term ''outlying area'' means each of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands.

(18) POVERTY LINE.—The term ''poverty line'' means the official poverty line (as defined by the Office of Management and Budget)—

(A) adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor for the most recent 12-month period or other interval for which the data are available; and

(B) applicable to a family of the size involved.

(19) SECONDARY SCHOOL.—The term ''secondary school'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(20) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(21) STATE.—Except as otherwise provided in this subpart, the term ''State'' means

each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

(22) STATE ADVISORY COUNCIL ON EARLY CHILDHOOD EDUCATION AND CARE.—The term ''State Advisory Council on Early Childhood Education and Care'' means the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)).

SEC. 10303. PROGRAM AUTHORIZATION.

From amounts made available to carry out this subpart, the Secretary, in consultation with the Secretary of Health and Human Services, shall award grants to States to implement high-quality prekindergarten programs, consistent with the purposes of this subpart described in section 10301. For each fiscal year, the funds provided under a grant to a State shall equal the allotment determined for the State under section 10304.

SEC. 10304. ALLOTMENTS AND RESERVATIONS OF FUNDS.

(a) RESERVATION.—From the amount made available each fiscal year to carry out this subpart, the Secretary shall—

(1) reserve not less than 1 percent and not more than 2 percent for payments to Indian tribes and tribal organizations;

(2) reserve one-half of 1 percent for the outlying areas to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this subpart;

(3) reserve one-half of 1 percent for eligible local entities that serve children in families who are engaged in migrant or seasonal agricultural labor; and

(4) reserve not more than 1 percent or $30,000,000, whichever amount is less, for national activities, including administration, technical assistance, and evaluation.

(b) ALLOTMENTS.—

(1) IN GENERAL.—From the amount made available each fiscal year to carry out this subpart and not reserved under subsection (a), the Secretary shall make allotments to States in accordance with paragraph (2) that have submitted an approved application.

(2) ALLOTMENT AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall allot the amount made available under paragraph (1) for a fiscal year among the States in proportion to the number of children who are age 4 who reside within the State and are from families with incomes at or below 200 percent of the poverty line for the most recent year for which satisfactory data are available, compared to the number of such children who reside in all such States for that fiscal year.

(B) MINIMUM ALLOTMENT AMOUNT.—No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total amount allotted under such subparagraph.

(3) REALLOTMENT AND CARRY OVER.—

(A) IN GENERAL.—If one or more States do not receive an allotment under this subsection for any fiscal year, the Secretary may use the amount of the allotment for that State or States, in such amounts as the Secretary determines appropriate, for either or both of the following:

(i) To increase the allotments of States with approved applications for the fiscal year, consistent with subparagraph (B).

(ii) To carry over the funds to the next fiscal year.

(B) REALLOTMENT.—In increasing allotments under subparagraph (A)(i), the Secretary shall allot to each State with an approved application an amount that bears the same relationship to the total amount to be allotted under subparagraph (A)(i), as the amount the State received under paragraph (2) for that fiscal year bears to the amount that all States received under paragraph (2) for that fiscal year.

(4) STATE.—For purposes of this subsection, the term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) FLEXIBILITY.—The Secretary may make minimal adjustments to allotments under subsection (b), which shall neither lead to a significant increase or decrease in a State's allotment determined under subsection (b), based on a set of factors, such as the level of program participation and the estimated cost of the activities specified in the State plan under section 10306(2).

SEC. 10305. STATE ELIGIBILITY CRITERIA.

A State is eligible to receive a grant under this subpart if the State demonstrates to the Secretary that the State—

(1) has established or will establish early learning and development standards that—

(A) describe what children from birth to kindergarten entry should know and be able to do;

(B) are universally designed and developmentally, culturally, and linguistically appropriate;

(C) are aligned with the State's challenging academic content standards and challenging student academic achievement standards, as adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)); and

(D) cover all of the essential domains of school readiness, which address—

(i) physical well-being and motor development;

(ii) social and emotional development;

(iii) approaches to learning, including creative arts expression;

(iv) developmentally appropriate oral and written language and literacy development; and

(v) cognition and general knowledge, including early mathematics and early scientific development;

(2) has the ability or will develop the ability to link prekindergarten data with State elementary school and secondary school data for the purpose of collecting longitudinal information for all children participating in the State's high-quality prekindergarten program and any other federally funded early childhood program that will remain with the child through the child's public education through grade 12;

(3) offers State-funded kindergarten for children who are eligible children for that service in the State; and

(4) has established a State Advisory Council on Early Childhood Education and Care.

SEC. 10306. STATE APPLICATIONS.

To receive a grant under this subpart, the Governor of a State, in consultation with the Indian tribes and tribal organizations in the State, if any, shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, each such application shall include—

(1) an assurance that the State—

(A) will coordinate with and continue to participate in the programs authorized under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419; 1431 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and the maternal, infant, and early childhood home visiting programs funded under section 511 of the Social Security Act (42 U.S.C. 711) for the duration of the grant;

(B) will designate a State-level entity (such as an agency or joint interagency office), selected by the Governor, for the administration of the grant, which shall coordinate and consult with the State educational agency if the entity is not the State educational agency; and

(C) will establish, or certify the existence of, program standards for all State prekindergarten programs consistent with the definition of a high-quality prekindergarten program under section 10302;

(2) a description of the State's plan to—

(A) use funds received under this subpart and the State's matching funds to provide high-quality prekindergarten programs, in accordance with section 10307(d), with open enrollment for all children in the State who—

(i) are described insection 10302(10)(A);and

(ii) are from families with incomes at or below 200 percent of the poverty line;

(B) develop or enhance a system for monitoring eligible local entities that are receiving funds under this subpart for compliance with quality standards developed by the State and to provide program improvement support, which may be accomplished through the use of a State-developed system for quality rating and improvement;

(C) if applicable, expand participation in the State's high-quality prekindergarten programs to children from families with incomes above 200 percent of the poverty line;

(D) carry out the State's comprehensive early learning assessment system, or how the State plans to develop such a system, ensuring that any assessments are culturally, developmentally, and age-appropriate and consistent with the recommendations from the study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences, consistent with section 649(j) of the Head Start Act (42 U.S.C. 9844);

(E) develop, implement, and make publicly available the performance measures and targets described in section 10309;

(F) increase the number of teachers with bachelor's degrees in early childhood education, or with bachelor's degrees in another closely related field and specialized training and demonstrated competency in early childhood education, including how institutions of higher education will support increasing the number of teachers with such degrees and training, including through the use of assessments of prior learning, knowledge, and skills to facilitate and expedite attainment of such degrees;

(G) coordinate and integrate the activities funded under this subpart with Federal, State, and local services and programs that support early childhood education and care, including programs supported under this subpart, the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the Community Services Block Grant Act (42 U.S.C. 9901 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), the temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the Race to the Top program under section 14006 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), federally funded early literacy programs, the maternal, infant, and early childhood home visiting programs funded under section 511 of the Social Security Act (42 U.S.C. 711), health improvements to child care funded under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), the innovation fund program under section 14007 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), programs authorized under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.), the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public

Law 110–351), grants for infant and toddler care through Early Head Start-Child Care Partnerships funded under the heading ''CHILDREN AND FAMILIES SERVICES PROGRAMS'' under the heading ADMINISTRATION FOR CHILDREN AND FAMILIES in title II of division H of the Department of Health and Human Services Appropriations Act, 2014 (Public Law 113–76; 128 Stat. 377–378), the preschool development grants program funded under the heading ''INNOVATION AND IMPROVEMENT'' in title III of division G of the Department of Education Appropriations Act, 2015 (Public Law 113–235; 128 Stat. 2496), and any other Federal, State, or local early childhood education programs used in the State;

(H) award subgrants to eligible local entities, and in awarding such subgrants, facilitate a delivery system of high-quality prekindergarten programs that includes diverse providers, such as providers in community-based, public school, and private settings, and consider the system's impact on options for families;

(I) in the case of a State that does not have a State-determined funding mechanism for prekindergarten, use objective criteria in awarding subgrants to eligible local entities that will implement high-quality prekindergarten programs, including actions the State will take to ensure that eligible local entities will coordinate with local educational agencies or other early learning providers, as appropriate, to carry out activities to provide children served under this subpart with a successful transition from preschool into kindergarten, which activities shall include—

(i) aligning curricular objectives and instruction;

(ii) providing staff professional development, including opportunities for joint-professional development on early learning and kindergarten through grade 3 standards, assessments, and curricula;

(iii) coordinating family engagement and support services; and

(iv) encouraging the shared use of facilities and transportation, as appropriate;

(J) use the State early learning and development standards described in section 10305(1) to address the needs of dual language learners, including by incorporating benchmarks related to English language development;

(K) identify barriers, and propose solutions to overcome such barriers, which may include seeking assistance under section 10316, in the State to effectively use and integrate Federal, State, and local public funds and private funds for early childhood education that are available to the State on the date on which the application is submitted;

(L) support articulation agreements (as defined in section 486A of the Higher Education Act of 1965 (20 U.S.C. 1093a)) between public 2-year and public 4-year institutions of higher education and other credit-bearing professional development in the State for early childhood teacher preparation programs and closely related fields;

(M) ensure that the higher education programs in the State have the capacity to prepare a workforce to provide high-quality prekindergarten programs;

(N) support workforce development, including State and local policies that support prekindergarten instructional staff's ability to earn a degree, certification, or other specializations or qualifications, including policies on leave, substitutes, and child care services, including non-traditional hour child care;

(O) hold eligible local entities accountable for use of funds;

(P) ensure that the State's early learning and development standards are integrated into the instructional and programmatic practices of high-quality prekindergarten programs and related programs and services, such as those provided to children under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419 and 1431 et seq.);

(Q) increase the number of children in the State who are enrolled in high-quality kindergarten programs and carry out a strategy to implement such a plan;

(R) coordinate the State's activities supported by grants under this subpart with activities in State plans required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and the Adult Education and Family Literacy Act (29 U.S.C. 3271 et seq.);

(S) encourage eligible local entities to coordinate with community-based learning resources, such as libraries, arts and arts education programs, appropriate media programs, family literacy programs, public parks and recreation programs, museums, nutrition education programs, and programs supported by the Corporation for National and Community Service;

(T) work with eligible local entities, in consultation with elementary school principals, to ensure that high-quality prekindergarten programs have sufficient and appropriate facilities to meet the needs of children eligible for prekindergarten;

(U) support local early childhood coordinating entities, such as local early childhood councils, if applicable, and help such entities to coordinate early childhood education programs with high-quality prekindergarten programs to ensure effective and efficient delivery of early childhood education program services;

(V) support shared services administering entities, if applicable;

(W) ensure that the provision of high-quality prekindergarten programs will not lead to a diminution in the quality or supply of services for infants and toddlers or disrupt the care of infants and toddlers in the geographic area served by the eligible local entity, which may include demonstrating that the State will direct funds to provide high-quality early childhood education and care to infants and toddlers in accordance with section 10307(d); and

(X) encourage or promote socioeconomic, racial, and ethnic diversity in the classrooms of high-quality prekindergarten programs, as applicable; and

(3) an inventory of the State's higher education programs that prepare individuals for work in a high-quality prekindergarten program, including—

(A) certification programs;

(B) associate degree programs;

(C) baccalaureate degree programs;

(D) masters degree programs; and

(E) other programs that lead to a specialization in early childhood education, or a related field.

SEC. 10307. STATE USE OF FUNDS.

(a) RESERVATION FOR QUALITY IMPROVEMENT ACTIVITIES.—

(1) IN GENERAL.—A State that receives a grant under this subpart may reserve, for not more than the first 4 years such State receives such a grant, not more than 20 percent of the grant funds for quality improvement activities that support the elements of high-quality prekindergarten programs. Such quality improvement activities may include supporting teachers, center directors, and principals in a State's high-quality prekindergarten program, licensed or regulated child care, or Head Start programs to enable such teachers, principals, or directors to earn a baccalaureate degree in early childhood education, or a closely related field, through activities which may include—

(A) expanding or establishing scholarships, counseling, and compensation initiatives to cover the cost of tuition, fees, materials, transportation, and release time for such teachers;

(B) providing ongoing professional development opportunities, including regular in-classroom observation by individuals trained in such observation, for such teachers, directors, principals, and teachers assistants to enable such teachers, directors, principals, and teachers assistants to carry out the elements of high-quality prekindergarten programs, which may include activities that address—

(i) promoting children's development across all of the essential domains of early learning and development;

(ii) developmentally appropriate curricula and teacher-child interaction;

(iii) effective family engagement;

(iv) providing culturally competent instruction;

(v) working with a diversity of children and families, including children with disabilities and dual language learners;

(vi) childhood nutrition and physical education programs;

(vii) supporting the implementation of evidence-based curricula;

(viii) social and emotional development; and

(ix) incorporating age-appropriate strategies of positive behavioral interventions and supports; and

(C) providing families with increased opportunities to learn how best to support their children's physical, cognitive, social, and emotional development during the first 5 years of life.

(2) NOT SUBJECT TO MATCHING.—The amount reserved under paragraph (1) shall not be subject to the matching requirements under section 10310.

(3) COORDINATION.—A State that reserves an amount under paragraph (1) shall coordinate the use of such amount with activities funded under section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) and the Head Start Act (42 U.S.C. 9831 et seq.).

(4) CONSTRUCTION.—A State may not use funds reserved under this subsection to meet the requirement described in 10302(10)(G).

(b) SUBGRANTS FOR HIGH-QUALITY PREKINDERGARTEN PROGRAMS.—A State that receives a grant under this subpart shall award subgrants of sufficient size to eligible local entities to enable such eligible local entities to implement high-quality prekindergarten programs for children who—

(1) are described insection 10302(10)(A);

(2) reside within the State; and

(3) are from families with incomes at or below 200 percent of the poverty line.

(c) ADMINISTRATION.—A State that receives a grant under this subpart may reserve not more than 1 percent of the grant funds for administration of the grant, and may use part of that reservation for the maintenance of the State Advisory Council on Early Childhood Education and Care.

(d) EARLY CHILDHOOD EDUCATION AND CARE PROGRAMS FOR INFANTS AND TODDLERS.—

(1) USE OF ALLOTMENT FOR INFANTS AND TODDLERS.—An eligible State may apply to use, and the appropriate Secretary may grant permission for the State to use, not more than 15 percent of the funds made available through a grant received under this subpart to award subgrants to early childhood education programs to provide, consistent with the State's early learning and

development guidelines for infants and toddlers, high-quality early childhood education and care to infants and toddlers who reside within the State and are from families with incomes at or below 200 percent of the poverty line.

(2) APPLICATION.—To be eligible to use the grant funds as described in paragraph (1), the State shall submit an application to the appropriate Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall, at a minimum, include a description of how the State will—

(A) designate a lead agency which shall administer such funds;

(B) ensure that such lead agency, in coordination with the State's Advisory Council on Early Childhood Education and Care, will collaborate with other agencies in administering programs supported under this subsection for infants and toddlers in order to obtain input about the appropriate use of such funds and ensure coordination with programs for infants and toddlers funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.) (including any Early Learning Quality Partnerships established in the State under section 645B of the Head Start Act, as added by section 202), the Race to the Top program under section 14006 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), the maternal, infant, and early childhood home visiting programs funded under section 511 of the Social Security Act (42 U.S.C. 711), part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), and grants for infant and toddler care through Early Head Start-Child Care Partnerships funded under the heading ''CHILDREN AND FAMILIES SERVICES PROGRAMS'' under the heading ADMINISTRATION FOR CHILDREN AND FAMILIES in title II of division H of the Department of Health and Human Services Appropriations Act, 2014 (Public Law 113–76; 128 Stat. 377–378);

(C) ensure that infants and toddlers who benefit from amounts made available under this subsection will transition to and have the opportunity to participate in a high-quality prekindergarten program supported under this subpart;

(D) in awarding subgrants, give preference to early childhood education programs that have a written formal plan with baseline data, benchmarks, and timetables to increase access to and full participation in high-quality prekindergarten programs for children who need additional support, including children with developmental delays or disabilities, children who are dual language learners, homeless children, children who are in foster care, children of migrant families, children eligible for a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), or children in the child welfare system; and

(E) give priority to activities carried out under this subsection that will increase access to high-quality early childhood education programs for infants and toddlers in local areas with significant concentrations of low-income families that do not currently benefit from such programs.

(3) ELIGIBLE PROVIDERS.—A State may use the grant funds as described in paragraph (1) to serve infants and toddlers only by working with early childhood education program providers that—

(A) offer full-day, full-year care, or otherwise meet the needs of working families; and

(B) meet high-quality standards, such as—

(i) Early Head Start program performance standards under the Head Start Act (42 U.S.C. 9831 et seq.); or

(ii) high-quality, demonstrated, valid, and reliable program standards that have been established through a national entity that accredits early childhood education programs.

(4) FEDERAL ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall bear responsibility for obligating and disbursing funds to support activities under this subsection and ensuring compliance with applicable laws and administrative requirements, subject to paragraph (3).

(B) INTERAGENCY AGREEMENT.—The Secretary of Education and the Secretary of Health and Human Services shall jointly administer activities supported under this subsection on such terms as such Secretaries shall set forth in an interagency agreement. The Secretary of Health and Human Services shall be responsible for any final approval of a State's application under this subsection that addresses the use of funds designated for services to infants and toddlers.

(C) APPROPRIATE SECRETARY.—In this subsection, the term ''appropriate Secretary'' used with respect to a function, means the Secretary designated for that function under the interagency agreement.

SEC. 10308. ADDITIONAL PREKINDERGARTEN SERVICES.

(a) PREKINDERGARTEN FOR 3-YEAR-OLDS.—Each State that certifies to the Secretary that the State provides universally available, voluntary, high-quality prekindergarten programs for 4-year-old children who reside within the State and are from families with incomes at or below 200 percent of the poverty line may use the State's allocation under section 10304(b) to provide high-quality prekindergarten programs for 3-year-old children who reside within the State and are from families with incomes at or below 200 percent of the poverty line.

(b) SUBGRANTS.—In each State that has a city, county, or local educational agency that provides universally available high-quality prekindergarten programs for 4-year-old children who reside within the State and are from families with incomes at or below 200 percent of the poverty line the State may use amounts from the State's allocation under section 10304(b) to award subgrants to eligible local entities to enable such eligible local entities to provide high-quality prekindergarten programs for 3-year-old children who are from families with incomes at or below 200 percent of the poverty line and who reside in such city, county, or local educational agency.

SEC. 10309. PERFORMANCE MEASURES AND TARGETS.

(a) IN GENERAL.—A State that receives a grant under this subpart shall develop, implement, and make publicly available the performance measures and targets for the activities carried out with grant funds. Such measures shall, at a minimum, track the State's progress in—

(1) increasing school readiness across all domains for all categories of children, as described in section 10313(b)(7), including children with disabilities and dual language learners;

(2) narrowing school readiness gaps between minority and nonminority children, and low-income children and more advantaged children, in preparation for kindergarten entry;

(3) decreasing the number of years that children receive special education and related services as described in part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);

(4) increasing the number of programs meeting the criteria for high-quality prekindergarten programs across all types of local eligible entities, as defined by the State and in accordance with section 10302;

(5) decreasing the need for grade-to-grade retention in elementary school;

(6) if applicable, ensuring that high-quality prekindergarten programs do not experience instances of chronic absence among the children who participate in such programs;

(7) increasing the number and percentage of low-income children in high-quality early childhood education programs that receive financial support through funds provided under this subpart; and

(8) providing high-quality nutrition services, nutrition education, physical activity, and obesity prevention programs.

(b) PROHIBITION OF MISDIAGNOSIS PRACTICES.—A State shall not, in order to meet the performance measures and targets described in subsection (a), engage in practices or policies that will lead to the misdiagnosis or under-diagnosis of disabilities or developmental delays among children who are served through programs supported under this subpart.

SEC. 10310. MATCHING REQUIREMENTS.

(a) MATCHING FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State that receives a grant under this subpart shall provide matching funds from non-Federal sources, as described in subsection (c), in an amount equal to—

(A) 10 percent of the Federal funds provided under the grant in the first year of grant administration;

(B) 10 percent of the Federal funds provided under the grant in the second year of grant administration;

(C) 20 percent of the Federal funds provided under the grant in the third year of grant administration;

(D) 30 percent of the Federal funds provided under the grant in the fourth year of grant administration; and

(E) 40 percent of the Federal funds provided under the grant in the fifth year of grant administration.

(2) REDUCED MATCH RATE.—A State that meets the requirements under subsection (b) may provide matching funds from non-Federal sources at a reduced rate. The full reduced matching funds rate shall be in an amount equal to—

(A) 5 percent of the Federal funds provided under the grant in the first year of grant administration;

(B) 5 percent of the Federal funds provided under the grant in the second year of grant administration;

(C) 10 percent of the Federal funds provided under the grant in the third year of grant administration;

(D) 20 percent of the Federal funds provided under the grant in the fourth year of grant administration; and

(E) 30 percent of the Federal funds provided under the grant in the fifth year of grant administration.

(b) REDUCED MATCH RATE ELIGIBILITY.—A State that receives a grant under this subpart may provide matching funds from non-Federal sources at the full reduced rate under subsection (a)(2) if the State, across all publicly funded programs (including locally funded programs)—

(1)(A) offers enrollment in high-quality prekindergarten programs to not less than half of children in the State who are—

(i) age 4 on the eligibility determination date; and

(ii) from families with incomes at or below 200 percent of the poverty line; and

(B) has a plan for continuing to expand access to high-quality prekindergarten programs for such children in the State; and

(2) has a plan to expand access to high-quality prekindergarten programs to children from moderate income families whose income exceeds 200 percent of the poverty line.

(c) NON-FEDERAL RESOURCES.—

(1) IN CASH.—A State shall provide the matching funds under this section in cash with non-Federal resources which may include State funding, local funding, or contributions from philanthropy or other private sources, or a combination thereof.

(2) FUNDS TO BE CONSIDERED AS MATCHING FUNDS.—A State may include, as part of the State's matching funds under this section, not more than 10 percent of the amount of State or local funds designated for State or local prekindergarten programs or to supplement Head Start programs under the Head Start Act (42 U.S.C. 9831 et seq.) as of the date of enactment of this Act, but may not include any funds that are attributed as matching funds, as part of a non-Federal share, or as a maintenance of effort requirement, for any other Federal program.

(d) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—If a State reduces its combined fiscal effort per student or the aggregate expenditures within the State to support early childhood education programs for any fiscal year that a State receives a grant authorized under this subpart relative to the previous fiscal year, the Secretary shall reduce support for such State under this subpart by the same amount as the decline in State effort for such fiscal year.

(2) WAIVER.—The Secretary may waive the requirements of paragraph (1) if—

(A) the Secretary determines that a waiver would be appropriate due to a precipitous decline in the financial resources of a State as a result of unforeseen economic hardship or a natural disaster that has necessitated across-the-board reductions in State services, including early childhood education programs; or

(B) due to the circumstances of a State requiring reductions in specific programs, including early childhood education, if the State presents to the Secretary a justification and demonstration why other programs could not be reduced and how early childhood programs in the State will not be disproportionately harmed by such State action.

(e) SUPPLEMENT NOT SUPPLANT.—Grant funds received under this subpart shall be used to supplement and not supplant other Federal, State, and local public funds expended on public prekindergarten programs in the State.

SEC. 10311. ELIGIBLE LOCAL ENTITY APPLICATIONS.

(a) IN GENERAL.—An eligible local entity desiring to receive a subgrant under section 10307(b) shall submit an application to the State, at such time, in such manner, and containing such information as the State may reasonably require.

(b) CONTENTS.—Each application submitted under subsection (a) shall include the following:

(1) PARENT AND FAMILY ENGAGEMENT.—A description of how the eligible local entity plans to engage the parents and families of the children such entity serves and ensure that parents and families of eligible children, as described in clauses (i) and (ii) of section 10306(2)(A), are aware of the services provided by the eligible local entity, which shall include a plan to—

(A) carry out meaningful parent and family engagement, through the implementation and replication of evidence-based or promising practices and strategies, which shall be coordinated with parent and family engagement strategies supported under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), part A of title I and title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.; 7201 et seq.), and strategies in the Head Start Parent, Family, and Community Engagement Framework, if applicable, to—

(i) provide parents and family members with the skills and opportunities necessary to become engaged and effective partners in their children's education, particularly the families of dual language learners and children with disabilities, which may include access to family literacy services;

(ii) improve child development; and

(iii) strengthen relationships among prekindergarten staff and parents and family members; and

(B) participate in community outreach to encourage families with eligible children to participate in the eligible local entity's high-quality prekindergarten program, including—

(i) homeless children;

(ii) dual language learners;

(iii) children in foster care;

(iv) children with disabilities; and

(v) migrant children.

(2) COORDINATION AND ALIGNMENT.—A description of how the eligible local entity will—

(A) coordinate, if applicable, the eligible local entity's activities with—

(i) Head Start agencies (consistent with section 642(e)(5) of the Head Start Act (42 U.S.C. 9837(e)(5))), if the local entity is not a Head Start agency;

(ii) local educational agencies, if the eligible local entity is not a local educational agency;

(iii) providers of services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.);

(iv) programs carried out under section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1419); and

(v) if feasible, other entities carrying out early childhood education programs and services within the area served by the local educational agency;

(B) develop a process to promote continuity of developmentally appropriate instructional programs and shared expectations with local elementary schools for children's learning and development as children transition to kindergarten;

(C) organize, if feasible, and participate in joint training, when available, including transition-related training for school staff and early childhood education program staff;

(D) establish comprehensive transition policies and procedures, with applicable elementary schools and principals, for the children served by the eligible local entity that support the school readiness of children transitioning to kindergarten, including the transfer of early childhood education program records, with parental consent;

(E) conduct outreach to parents, families, and elementary school teachers and principals to discuss the educational, developmental, and other needs of children entering kindergarten;

(F) help parents, including parents of children who are dual language learners, understand and engage with the instructional and other services provided by the kindergarten in which such child will enroll after participation in a high-quality prekindergarten program; and

(G) develop and implement a system to increase program participation of underserved populations of eligible children, especially homeless children, children eligible for a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), parents of children who are dual language learners, and parents of children with disabilities.

(3) FULL PARTICIPATION OF ALL CHILDREN.—A description of how the eligible local entity will meet the diverse needs of children in the community to be served, including children with disabilities, dual language learners, children who need additional support, children in the State foster care system, and homeless children. Such description shall demonstrate, at a minimum, how the entity plans to—

(A) ensure the eligible local entity's high-quality prekindergarten program is accessible and appropriate for children with disabilities and dual language learners;

(B) establish effective procedures for ensuring use of evidence-based practices in assessment and instruction, including use of data for progress monitoring of child performance and provision of technical assistance support for staff to ensure fidelity with evidence-based practices;

(C) establish effective procedures for timely referral of children with disabilities to entities authorized under part B and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.; 1431 et seq.);

(D) ensure that the eligible local entity's high-quality prekindergarten program works with appropriate entities to address the elimination of barriers to immediate and continuous enrollment for homeless children; and

(E) ensure access to and continuity of enrollment in high-quality prekindergarten programs for migratory children, if applicable, and homeless children, including through policies and procedures that require—

(i) outreach to identify migratory children and homeless children;

(ii) immediate enrollment, including enrollment during the period of time when documents typically required for enrollment, including health and immunization records, proof of eligibility, and other documents, are obtained;

(iii) continuous enrollment and participation in the same high-quality prekindergarten program for a child, even if the child moves out of the program's service area, if that enrollment and participation are in the child's best interest, including by providing transportation when necessary;

(iv) professional development for high-quality prekindergarten program staff regarding migratory children and homelessness among families with young children; and

(v) in serving homeless children, collaboration with local educational agency liaisons designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), and local homeless service providers.

(4) ACCESSIBLE COMPREHENSIVE SERVICES.—A description of how the eligible local entity plans to provide accessible comprehensive services, described in section 10302(10)(I), to the children the eligible local entity serves. Such description shall provide information on how the entity will—

(A) conduct a data-driven community assessment in coordination with members of the community, including parents and community organizations, or use a recently conducted data-driven assessment, which—

(i) may involve an external partner with expertise in conducting such needs analysis, to determine the most appropriate social or other support services to offer through the eligible local entity's on-site comprehensive services to children who participate in high-quality prekindergarten programs; and

(ii) shall consider the resources available at the school, local educational agency, and community levels to address the needs of the community and improve child outcomes; and

(B) have a coordinated system to facilitate the screening, referral, and provision of services related to health, nutrition, mental health, disability, and family support for children served by the eligible local entity.

(5) WORKFORCE.—A description of how the eligible local entity plans to support the instructional staff of such entity's high-quality prekindergarten program, which shall, at a minimum, include a plan to provide high-quality professional development, or facilitate the provision of high-quality professional development through an external partner with expertise and a demonstrated track record of success, based on scientifically valid research, that will improve the knowledge and skills of high-quality prekindergarten teachers and staff through activities, which may include—

(A) acquiring content knowledge and learning teaching strategies needed to provide effective instruction that addresses the State's early learning and development standards described under section 10305(1), including professional training to support the social and emotional development of children;

(B) enabling high-quality prekindergarten teachers and staff to pursue specialized training in early childhood development;

(C) enabling high-quality prekindergarten teachers and staff to acquire the knowledge and skills to provide instruction and appropriate language and support services to increase the English language skills of dual language learners;

(D) enabling high-quality prekindergarten teachers and staff to acquire the knowledge and skills to provide developmentally appropriate instruction for children with disabilities;

(E) promoting classroom management;

(F) providing high-quality induction and support for incoming high-quality prekindergarten teachers and staff in high-quality prekindergarten programs, including through the use of mentoring programs and coaching that have a demonstrated track record of success;

(G) promoting the acquisition of relevant credentials, including in ways that support career advancement through career ladders; and

(H) enabling high-quality prekindergarten teachers and staff to acquire the knowledge and skills to provide culturally competent instruction for children from diverse backgrounds.

SEC. 10312. REQUIRED SUBGRANT ACTIVITIES.

(a) IN GENERAL.—An eligible local entity that receives a subgrant under section 10307(b) shall use subgrant funds to implement the elements of a high-quality prekindergarten program for the children described in section 10307(b).

(b) COORDINATION.—

(1) LOCAL EDUCATIONAL AGENCY PARTNERSHIPS WITH LOCAL EARLY CHILDHOOD EDUCATION PROGRAMS.—A local educational agency that receives a subgrant under this subpart shall provide an assurance that the local educational agency will enter into strong partnerships with local early childhood education programs, including programs supported through the Head Start Act (42 U.S.C. 9831 et seq.).

(2) ELIGIBLE LOCAL ENTITIES THAT ARE NOT LOCAL EDUCATIONAL AGENCIES.—An eligible local entity that is not a local educational agency that receives a subgrant under this subpart shall provide an assurance that such entity will enter into strong partnerships with local educational agencies.

SEC. 10313. REPORT AND EVALUATION.

(a) IN GENERAL.—Each State that receives a grant under this subpart shall prepare an annual report, in such manner and containing such information as the Secretary may reasonably require.

(b) CONTENTS.—A report prepared under subsection (a) shall contain, at a minimum—

(1) a description of the manner in which the State has used the funds made available through the grant and a report of the expenditures made with the funds;

(2) a summary of the State's progress toward providing access to high-quality prekindergarten programs for children eligible for such services, as determined by the State, from families with incomes at or below 200 percent of the poverty line, including the percentage of funds spent on children from families with incomes—

(A) at or below 100 percent of the poverty line;

(B) at or below between 101 and 150 percent of the poverty line; and

(C) at or below between 151 and 200 percent of the poverty line;

(3) an evaluation of the State's progress toward achieving the State's performance targets, described in section 10309;

(4) data on the number of high-quality prekindergarten program teachers and staff in the State (including teacher turnover rates and teacher compensation levels compared to teachers in elementary schools and secondary schools), according to the setting in which such teachers and staff work (which settings shall include, at a minimum, Head Start programs, public prekindergarten, and child care programs) who received training or education during the period of the grant and remained in the early childhood education program field;

(5) data on the kindergarten readiness of children in the State;

(6) a description of the State's progress in effectively using Federal, State, and local public funds and private funds, for early childhood education;

(7) the number and percentage of children in the State participating in high-quality prekindergarten programs, disaggregated by race, ethnicity, family income, child age, disability, whether the children are homeless children, and whether the children are dual language learners;

(8) data on the availability, affordability, and quality of infant and toddler care in the State;

(9) the number of operational minutes per week and per year for each eligible local entity that receives a subgrant;

(10) the local educational agency and zip code in which each eligible local entity that receives a subgrant operates;

(11) information, for each of the local educational agencies described in paragraph (10), on the percentage of the costs of the public early childhood education programs that is funded from Federal, from State, and from local sources, including the percentages from specific funding programs;

(12) data on the number and percentage of children in the State participating in public kindergarten programs, disaggregated by race, family income, child age, disability, whether the children are homeless children, and whether the children are dual language learners, with information on whether such programs are offered—

(A) for a full day; and

(B) at no cost to families;

(13) data on the number of individuals in the State who are supported with scholarships, if applicable, to meet the bachelor's degree requirement for high-quality prekindergarten programs, as defined in section 10302; and

(14) information on—

(A) the rates of expulsion, suspension, and similar disciplinary action, of children in the State participating in high-quality prekindergarten programs, disaggregated by race, ethnicity, family income, child age, and disability;

(B) the State's progress in establishing policies on effective behavior management strategies and training that promote positive social and emotional development to eliminate expulsions and suspensions of children participating in high-quality prekindergarten programs; and

(C) the State's policies on providing early learning services to children in the State participating in high-quality prekindergarten programs who have been suspended.

(c) SUBMISSION.—A State shall submit the annual report prepared under subsection (a), at the end of each fiscal year, to the Secretary, the Secretary of Health and Human Services, and the State Advisory Council on Early Childhood Education and Care.

(d) COOPERATION.—An eligible local entity that receives a subgrant under this subpart shall cooperate with all Federal and State efforts to evaluate the effectiveness of the program the entity implements with subgrant funds.

(e) NATIONAL REPORT.—The Secretary shall compile and summarize the annual State reports described under subsection (c) and shall prepare and submit an annual report to Congress that includes a summary of such State reports.

SEC. 10314. PROHIBITION OF REQUIRED PARTICIPATION OR USE OF FUNDS FOR ASSESSMENTS.

(a) PROHIBITION ON REQUIRED PARTICIPATION.—A State receiving a grant under this subpart shall not require any child to participate in any Federal, State, local, or private early childhood education program, including a high-quality prekindergarten program.

(b) PROHIBITION ON USE OF FUNDS FOR ASSESSMENT.—A State receiving a grant under this subpart and an eligible local entity receiving a subgrant under this subpart shall not use any grant or subgrant funds to carry out any of the following activities:

(1) An assessment that provides rewards or sanctions for individual children, teachers, or principals.

(2) An assessment that is used as the primary or sole method for assessing program effectiveness.

(3) Evaluating children, other than for the purposes of—

(A) improving instruction or the classroom environment;

(B) targeting professional development;

(C) determining the need for health, mental health, disability, or family support services;

(D) program evaluation for the purposes of program improvement and parent information; and

(E) improving parent and family engagement.

SEC. 10315. COORDINATION WITH HEAD START PROGRAMS.

(a) INCREASED ACCESS FOR YOUNGER CHILDREN.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Health and Human Services shall develop a process—

(1) for use in the event that Head Start programs funded under the Head Start Act (42 U.S.C. 9831 et seq.) operate in States or regions that have achieved sustained universal, voluntary access to 4-year-old children who reside within the State and who are from families with incomes at or below 200 percent of the poverty line to high-quality prekindergarten programs; and

(2) for how such Head Start programs will begin converting slots for children who are age 4 on the eligibility determination date to children who are age 3 on the eligibility determination date, or, when appropriate, converting Head Start programs into Early Head Start programs to serve infants and toddlers.

(b) COMMUNITY NEED AND RESOURCES.—The process described in subsection (a) shall—

(1) be carried out on a case-by-case basis and shall ensure that sufficient resources

and time are allocated for the development of such a process so that no child or cohort is excluded from currently available services; and

(2) ensure that any conversion shall be based on community need and not on the aggregate number of children served in a State or region that has achieved sustained, universal, voluntary access to high-quality prekindergarten programs.

(c) PUBLIC COMMENT AND NOTICE.—Not fewer than 90 days after the development of the proposed process described in subsection (a), the Secretary and the Secretary of Health and Human Services shall publish a notice describing such proposed process for conversion in the Federal Register providing at least 90 days for public comment. The Secretaries shall review and consider public comments prior to finalizing the process for conversion of Head Start slots and programs.

(d) REPORTS TO CONGRESS.—Concurrently with publishing a notice in the Federal Register as described in subsection (c), the Secretaries shall provide a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate that provides a detailed description of the proposed process described in subsection (a), including a description of the degree to which Head Start programs are providing State-funded high-quality prekindergarten programs as a result of the grant opportunity provided under this subpart in States where Head Start programs are eligible for conversion described in subsection (a).

SEC. 10316. TECHNICAL ASSISTANCE IN PROGRAM ADMINISTRATION.

In providing technical assistance to carry out activities under this subpart, the Secretary shall coordinate that technical assistance, in appropriate cases, with technical assistance provided by the Secretary of Health and Human Services to carry out the programs authorized under the Head Start Act (42 U.S.C. 9831 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and the maternal, infant and early childhood home visiting programs assisted under section 511 of the Social Security Act (42 U.S.C. 711).

SEC. 10317. AUTHORIZATION OF APPROPRIATIONS.

To carry out this subpart, there are authorized to be appropriated, and there are appropriated—

(1) $1,300,000,000 for fiscal year 2016;

(2) $3,250,000,000 for fiscal year 2017;

(3) $5,780,000,000 for fiscal year 2018;

(4) $7,580,000,000 for fiscal year 2019; and

(5) $8,960,000,000 for fiscal year 2020.

Subpart B—Prekindergarten Development Grants

SEC. 10321. PREKINDERGARTEN DEVELOPMENT GRANTS.

(a) IN GENERAL.—The Secretary of Education, in consultation with the Secretary of Health and Human Services, shall award competitive grants to States that wish to increase their capacity and build the infrastructure within the State to offer high-quality prekindergarten programs.

(b) ELIGIBILITY OF STATES.—A State that is not receiving funds under subpart A may compete for grant funds under this section if the State provides an assurance that the State will, through the support of grant funds awarded under this section, meet the eligibility requirements of section 10305 not later than 3 years after the date the State first receives grant funds under this section.

(c) GRANT DURATION.—The Secretary shall award grants under this section for a period of not more than 3 years. Such grants shall not be renewed.

(d) APPLICATION.—

(1) IN GENERAL.—A Governor, or chief executive officer of a State that desires to receive a grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary of Education may reasonably require, including, if applicable, a description of how the State plans to become eligible for grants under section 10305 by not later than 3 years after the date the State first receives grant funds under this section.

(2) DEVELOPMENT OF STATE APPLICATION.—In developing an application for a grant under this section, a State shall consult with the State Advisory Council on Early Childhood Education and Care and incorporate the Council's recommendations, where applicable.

(e) MATCHING REQUIREMENT.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a State shall contribute for the activities for which the grant was awarded non-Federal matching funds in an amount equal to not less than 20 percent of the amount of the grant.

(2) NON-FEDERAL FUNDS.—To satisfy the requirement of paragraph (1), a State may use—

(A) non-Federal resources in the form of State funding, local funding, or contributions from philanthropy or other private sources, or a combination of such resources; or

(B) in-kind contributions.

(3) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive the requirement under paragraph (1) or reduce the amount of matching funds required under that paragraph for a State that has submitted an application for a grant under this subsection if the State demonstrates, in the application, a need for such a waiver or reduction due to extreme financial hardship, as determined by the Secretary.

(f) SUBGRANTS.—

(1) IN GENERAL.—A State awarded a grant under this section may use the grant funds to award subgrants to eligible local entities, as defined in section 10302, to carry out the activities under the grant.

(2) SUBGRANTEES.—An eligible local entity awarded a subgrant under paragraph (1) shall comply with the requirements of this section relating to grantees, as appropriate.

(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated, and there are appropriated, $750,000,000 for each of fiscal years 2016 through 2020.

Subpart C—Early Learning Quality Partnerships

SEC. 10331. PURPOSES.

The purposes of this part are to—

(1) increase the availability of, and access to, high-quality early childhood education and care programming for infants and toddlers;

(2) support a higher quality of, and increase capacity for, such programming in both child care centers and family child care homes;

(3) encourage the provision of comprehensive, coordinated full-day services and supports for infants and toddlers; and

(4) increase access to appropriate supports so children with disabilities and other children who need specialized supports can fully participate in high-quality early education programs.

SEC. 10332. EARLY LEARNING QUALITY PARTNERSHIPS.

The Head Start Act is amended—

(1) by amending section 645A(e) (42 U.S.C. 9840a(e)) to read as follows:

''(e) SELECTION OF GRANT RECIPIENTS.—The Secretary shall award grants under this section on a competitive basis to applicants meeting the criteria in subsection (d) (giving priority to entities with a record of providing early, continuous, and comprehensive childhood development and family services and entities that agree to partner with a center-based or family child care provider to carry out the activities described in section 645B).''; and

(2) by inserting after section 645A the following:

"SEC. 645B. EARLY LEARNING QUALITY PARTNERSHIPS.

''(a) IN GENERAL.—The Secretary shall make grants to Early Head Start agencies to enable the Early Head Start agencies to form early learning quality partnerships by partnering with center-based or family child care providers, particularly those that receive support under the Child Care and Development Block Grant of 1990 (42 U.S.C. 9858 et seq.), that agree to meet the program performance standards described in section 641A(a)(1) and Early Head Start standards described in section 645A that are applicable to the ages of children served with funding and technical assistance from the Early Head Start agency.

''(b) SELECTION OF GRANT RECIPIENTS.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall award grants under this section in a manner consistent with section 645A(e).

''(2) COMPETITIVE PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applicants—

''(A) that propose to create strong alignment of programs with maternal, infant, and early childhood home visiting programs assisted under section 511 of the Social Security Act (42 U.S.C. 711), State-funded prekindergarten programs, programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other programs supported under this Act, to create a strong continuum of high-quality services for children from birth to school entry; and

''(B) that seek to work with child care providers across settings, including center-based and home-based programs.

''(3) ALLOCATION.—

''(A) RESERVATION.—From funds appropriated to carry out this section, the Secretary shall reserve—

''(i) not less than 3 percent of such funds for Indian Head Start programs that serve young children;

''(ii) not less than 4.5 percent for migrant and seasonal Head Start programs that serve young children; and

''(iii) not less than 0.2 percent for programs funded under clause (iv) or (v) of section 640(a)(2)(B).

''(B) ALLOCATION AMONG STATES.—The Secretary shall allocate funds appropriated to carry out this section and not reserved under subparagraph (A) among the States proportionally based on the number of young children from families whose income is below the poverty line residing in such States.

''(c) ELIGIBILITY OF CHILDREN.—Partnerships formed through assistance provided under this section may serve children through age 3, and the standards applied to children in subsection (a) shall be consistent with those applied to 3-year-old children under this subchapter.

''(d) PARTNERSHIPS.—An Early Head Start agency that receives a grant under this section shall—

''(1) enter into a contractual relationship with a center-based or family child care provider to raise the quality of such provider's programs so that the provider meets the program performance standards described in subsection (a) through activities that may include—

''(A) expanding the center-based or family child care provider's programs through financial support;

''(B) providing training, technical assistance, and support to the provider in order to help the provider meet the program performance standards, which may include supporting program and partner staff in earning a child development associate credential, associate's degree, or baccalaureate degree in early childhood education or a closely related field for working with infants and toddlers; and

''(C) blending funds received under the Child Care and Development Block Grant of 1990 (42 U.S.C. 9858 et seq.) and the Early Head Start program carried out under section 645A in order to provide high-quality child care, for a full day, that meets the program performance standards;

''(2) develop and implement a proposal to recruit and enter into a contract with a center-based or family child care provider, particularly a provider that serves children who receive assistance under the Child Care and Development Block Grant of 1990 (42 U.S.C. 9858 et seq.);

''(3) create a clear and realizable timeline to increase the quality and capacity of a center-based or family child care provider so that the provider meets the program performance standards described in subsection (a); and

''(4) align activities and services provided through funding under this section with the Head Start Child Outcomes Framework.

''(e) STANDARDS.—Prior to awarding grants under this section, the Secretary shall establish standards to ensure that the responsibility and expectations of the Early Head Start agency and the partner child care providers are clearly defined.

''(f) DESIGNATION RENEWAL.—A partner child care provider that receives assistance through a grant provided under this section shall be exempt, for a period of 18 months, from the designation renewal requirements under section 641(c).

''(g) SURVEY OF EARLY HEAD START AGENCIES AND REPORT TO CONGRESS.—Within one year of the effective date of this section, the Secretary shall conduct a survey of Early Head Start agencies to determine the extent of barriers to entering into early learning quality partnership agreements under this section on Early Head Start agencies and on child care providers, and submit this information, with suggested steps to overcome such barriers, in a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, including a detailed description of the degree to which Early Head Start agencies are utilizing the funds provided.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $1,430,376,000 for fiscal year 2016; and

''(2) such sums as may be necessary for each of fiscal years 2017 through 2020.''.

Subpart D—Authorization of Appropriations for the Education of Children With Disabilities

SEC. 10341. PRESCHOOL GRANTS.

Section 619(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1419(j)) is amended to read as follows:

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $418,000,000 for fiscal year 2016 and such sums as may be necessary for each succeeding fiscal year.''.

SEC. 10342. INFANTS AND TODDLERS WITH DISABILITIES.

Section 644 of the Individuals with Disabilities Education Act (20 U.S.C. 1444) is amended to read as follows:

''SEC. 644. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $508,000,000 for fiscal year 2016 and such sums as may be necessary for each succeeding fiscal year.''.

Subpart E—Maternal, Infant, and Early Childhood Home Visiting Program

SEC. 10351. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) from the prenatal period to the first day of kindergarten, children's development rapidly progresses at a pace exceeding that of any subsequent stage of life;

(2) as reported by the National Academy of Sciences in 2001, striking disparities exist in what children know and can do that are evident well before they enter kindergarten;

(3) such differences are strongly associated with social and economic circumstances, and they are predictive of subsequent academic performance;

(4) research has consistently demonstrated that investments in high-quality programs that serve infants and toddlers—

(A) better positions those children for success in elementary, secondary, and postsecondary education; and

(B) helps those children develop the critical physical, emotional, social, and cognitive skills that they will need for the rest of their lives;

(5) in 2011, there were 11,000,000 infants and toddlers living in the United States, and 49 percent of these children came from low-income families with incomes at or below 200 percent of the Federal poverty guidelines;

(6) the Maternal, Infant, and Early Childhood Home Visiting program (referred to as ''MIECHV'') was authorized by Congress to facilitate collaboration and partnership at the Federal, State, and community levels to improve health and development outcomes for at-risk children, including those from low-income families, through evidence-based home visiting programs;

(7) MIECHV is an evidence-based policy initiative and the program's authorizing legislation requires that at least 75 percent of funds dedicated to the program must support programs to implement evidence-based home visiting models, which includes the home-based model of Early Head Start; and

(8) Congress should continue to provide resources to MIECHV to support the work of States to help at-risk families voluntarily receive home visits from nurses and social workers to—

(A) promote maternal, infant, and child health;

(B) improve school readiness and achievement;

(C) prevent potential child abuse or neglect and injuries;

(D) support family economic self-sufficiency;

(E) reduce crime or domestic violence; and

(F) improve coordination or referrals for community resources and supports.

Subpart F—Paying a Fair Share

SEC. 10361. FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS

''Sec. 59A. Fair share tax.

''SEC. 59A. FAIR SHARE TAX.

''(a) GENERAL RULE.—

''(1) PHASE-IN OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

''(A) the amount determined under paragraph (2), and

''(B) a fraction (not to exceed 1)—

''(i) the numerator of which is the excess of—

''(I) the taxpayer's adjusted gross income, over

''(II) the dollar amount in effect under subsection (c)(1), and

''(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

''(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

''(A) the tentative fair share tax for the taxable year, over

''(B) the excess of—

''(i) the sum of—

''(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

''(II) the tax imposed by section 55 for the taxable year, plus

''(III) the payroll tax for the taxable year, over

''(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

''(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

''(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

''(A) the adjusted gross income of the taxpayer, over

''(B) the modified charitable contribution deduction for the taxable year.

''(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

''(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

''(ii) such amount, determined before the application of section 68.

''(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

''(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

''(1) IN GENERAL.—The term 'high-income taxpayer' means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of $1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the $1,000,000 amount under paragraph (1) 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 2015' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the next lowest multiple of $10,000.

''(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

''(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and

3211(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or compensation received during such taxable year, over

''(2) the deduction allowable under section 164(f) for such taxable year.

''(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

''(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

(d) FUNDING.—Any increase in revenue attributable to the amendments made by this section shall be allocated to carrying out subparts A and B.

SA 2243. Mr. COONS (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

PART C—AMERICAN DREAM ACCOUNTS

SEC. 10301. SHORT TITLE.

This part may be cited as the ''American Dream Accounts Act''.

SEC. 10302. DEFINITIONS.

In this part:

(1) AMERICAN DREAM ACCOUNT.—The term ''American Dream Account'' means a personal online account for low-income students that monitors higher education readiness and includes a college savings account.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Finance of the Senate, and the Committee on Education and the Workforce, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives, as well as any other Committee of the Senate or House of Representatives that the Secretary determines appropriate.

(3) CHARTER SCHOOL.—The term ''charter school'' has the meaning given such term in section 5110 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

(4) COLLEGE SAVINGS ACCOUNT.—The term ''college savings account'' means a trust created or organized exclusively for the purpose of paying the qualified expenses of only an individual who, when the trust is created or organized, has not obtained 18 years of age, if the written governing instrument creating the trust contains the following requirements:

(A) The trustee is a Federally insured financial institution, or a State insured financial institution if a Federally insured financial institution is not available.

(B) The assets of the trust will be invested in accordance with the direction of the individual or of a parent or guardian of the individual, after consultation with the entity providing the initial contribution to the trust or, if applicable, a matching or other contribution for the individual.

(C) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

(D) Any amount in the trust that is attributable to an account seed or matched deposit may be paid or distributed from the trust only for the purpose of paying qualified expenses of the individual.

(5) DUAL OR CONCURRENT ENROLLMENT PROGRAM.—The term ''dual or concurrent enrollment program'' means a program of study—

(A) provided by an institution of higher education through which a student who has not graduated from high school with a regular high school diploma (as defined in section 200.19(b)(1)(iv) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008) is able to earn postsecondary credit; and

(B) that shall consist of not less than 2 postsecondary credit-bearing courses and support and academic services that help a student persist and complete such courses.

(6) EARLY COLLEGE HIGH SCHOOL PROGRAM.—The term ''early college high school program'' means a formal partnership between at least 1 local educational agency and at least 1 institution of higher education that allows participants, who are primarily low-income students, to simultaneously complete requirements toward earning a regular high school diploma (as defined in section 200.19(b)(1)(iv) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008) and earn not less than 12 transferable credits as part of an organized course of study toward a postsecondary degree or credential.

(7) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State educational agency;

(B) a local educational agency, including a charter school that operates as its own local educational agency;

(C) a charter management organization or charter school authorizer;

(D) an institution of higher education or a Tribal College or University;

(E) a nonprofit organization;

(F) an entity with demonstrated experience in educational savings or in assisting low-income students to prepare for, and attend, an institution of higher education;

(G) a consortium of 2 or more of the entities described in subparagraphs (A) through (F); or

(H) a consortium of 1 or more of the entities described in subparagraphs (A) through (F) and a public school, a charter school, a school operated by the Bureau of Indian Affairs, or a tribally controlled school.

(8) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(9) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(10) LOW-INCOME STUDENT.—The term ''low-income student'' means a student who is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(11) PARENT.—The term ''parent'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(12) QUALIFIED EXPENSES.—The term ''qualified expenses'' means, with respect to an individual, expenses that—

(A) are incurred after the individual receives a secondary school diploma or its recognized equivalent; and

(B) are associated with attending an institution of higher education, including—

(i) tuition and fees;

(ii) room and board;

(iii) textbooks;

(iv) supplies and equipment; and

(v) Internet access.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(14) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(15) TRIBAL COLLEGE OR UNIVERSITY.—The term ''Tribal College or University'' has the meaning given such term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

(16) TRIBALLY CONTROLLED SCHOOL.—The term ''tribally controlled school'' has the meaning given such term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

SEC. 10303. GRANT PROGRAM.

(a) PROGRAM AUTHORIZED.—The Secretary shall establish a pilot program and award 10 grants to eligible entities to enable such eligible entities to establish and administer American Dream Accounts for a group of low-income students.

(b) RESERVATION.—From the amounts appropriated each fiscal year to carry out this part, the Secretary shall reserve not more than 5 percent of such amount to carry out the evaluation activities described in section 10306.

(c) DURATION.—A grant awarded under this part shall be for a period of not more than 3 years. The Secretary may extend such grant for an additional 2-year period if the Secretary determines that the eligible entity has demonstrated significant progress, based on the factors described in section 10304(b)(11).

SEC. 10304. APPLICATIONS; PRIORITY.

(a) IN GENERAL.—Each eligible entity desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) CONTENTS.—At a minimum, the application described in subsection (a) shall include the following:

(1) A description of the characteristics of a group of not less than 30 low-income public school students who—

(A) are, at the time of the application, attending a grade not higher than grade 9; and

(B) will, under the grant, receive an American Dream Account.

(2) A description of how the eligible entity will engage, and provide support (such as tutoring and mentoring for students, and training for teachers and other stakeholders) either online or in person, to—

(A) the students in the group described in paragraph (1);

(B) the family members and teachers of such students; and

(C) other stakeholders such as school administrators and school counselors.

(3) An identification of partners who will assist the eligible entity in establishing and sustaining American Dream Accounts.

(4) A description of what experience the eligible entity or the partners of the eligible entity have in managing college savings accounts, preparing low-income students for

postsecondary education, managing online systems, and teaching financial literacy.

(5) A demonstration that the eligible entity has sufficient resources to provide an initial deposit into the college savings account portion of each American Dream Account.

(6) A description of how the eligible entity will help increase the value of the college savings account portion of each American Dream Account, such as by providing matching funds or incentives for academic achievement.

(7) A description of how the eligible entity will notify each participating student in the group described in paragraph (1), on a semi-annual basis, of the current balance and status of the college savings account portion of the American Dream Account of the student.

(8) A plan that describes how the eligible entity will monitor participating students in the group described in paragraph (1) to ensure that the American Dream Account of each student will be maintained if a student in such group changes schools before graduating from secondary school.

(9) A plan that describes how the American Dream Accounts will be managed for not less than 1 year after a majority of the students in the group described in paragraph (1) graduate from secondary school.

(10) A description of how the eligible entity will encourage students in the group described in paragraph (1) who fail to graduate from secondary school to continue their education.

(11) A description of how the eligible entity will evaluate the grant program, including by collecting, as applicable, the following data about the students in the group described in paragraph (1) during the grant period, or until the time of graduation from a secondary school, whichever comes first, and, if sufficient grant funds are available, after the grant period:

(A) Attendance rates.

(B) Progress reports.

(C) Grades and course selections.

(D) The student graduation rate, as defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years.

(E) Rates of student completion of the Free Application for Federal Student Aid described in section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090).

(F) Rates of enrollment in an institution of higher education.

(G) Rates of completion at an institution of higher education.

(12) A description of what will happen to the funds in the college savings account portion of the American Dream Accounts that are dedicated to participating students described in paragraph (1) who have not matriculated at an institution of higher education at the time of the conclusion of the period of American Dream Account management described in paragraph (9), including how the eligible entity will give students this information.

(13) A description of how the eligible entity will ensure that participating students described in paragraph (1) will have access to the Internet.

(14) A description of how the eligible entity will take into consideration how funds in the college savings account portion of American Dream Accounts will affect participating families' eligibility for public assistance.

(c) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to applications from eligible entities that—

(1) are described in subparagraph (G) or (H) of section 10302(7);

(2) serve the largest number of low-income students;

(3) in the case of an eligible entity described in subparagraph (A) or (B) of section 10302(7), provide opportunities for participating students described in subsection (b)(1) to participate in a dual or concurrent enrollment program or early college high school program at no cost to the student or the student's family; or

(4) as of the time of application, have been awarded a grant under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–21 et seq.) (commonly referred to as the ''GEAR UP program'').

SEC. 10305. AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—An eligible entity that receives a grant under this part shall use such grant funds to establish an American Dream Account for each participating student described in section 10304(b)(1), that will be used to—

(1) open a college savings account for such student;

(2) monitor the progress of such student online, which—

(A) shall include monitoring student data relating to—

(i) grades and course selections;

(ii) progress reports; and

(iii) attendance and disciplinary records; and

(B) may also include monitoring student data relating to a broad range of information, provided by teachers and family members, related to postsecondary education readiness, access, and completion;

(3) provide opportunities for such students, either online or in person, to learn about financial literacy, including by—

(A) assisting such students in financial planning for enrollment in an institution of higher education;

(B) assisting such students in identifying and applying for financial aid (such as loans, grants, and scholarships) for an institution of higher education; and

(C) enhancing student understanding of consumer, economic, and personal finance concepts;

(4) provide opportunities for such students, either online or in person, to learn about preparing for enrollment in an institution of higher education, including by providing instruction to students about—

(A) choosing the appropriate courses to prepare for postsecondary education;

(B) applying to an institution of higher education;

(C) building a student portfolio, which may be used when applying to an institution of higher education;

(D) selecting an institution of higher education;

(E) choosing a major for the student's postsecondary program of education or a career path; and

(F) adapting to life at an institution of higher education; and

(5) provide opportunities for such students, either online or in person, to identify skills or interests, including career interests.

(b) ACCESS TO AMERICAN DREAM ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (3) and (4), and in accordance with applicable Federal laws and regulations relating to privacy of information and the privacy of children, an eligible entity that receives a grant under this part shall allow vested stakeholders, as described in paragraph (2), to have secure access, through an Internet website, to an American Dream Account.

(2) VESTED STAKEHOLDERS.—The vested stakeholders that an eligible entity shall permit to access an American Dream Account are individuals (such as the student's teachers, school counselors, school administrators, or other individuals) that are designated, in accordance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the ''Family Educational Rights and Privacy Act of 1974''), by the parent of a participating student in whose name such American Dream Account is held, as having permission to access the account. A student's parent may withdraw such designation from an individual at any time.

(3) EXCEPTION FOR COLLEGE SAVINGS ACCOUNT.—An eligible entity that receives a grant under this part shall not be required to give vested stakeholders, as described in paragraph (2), access to the college savings account portion of a student's American Dream Account.

(4) ADULT STUDENTS.—Notwithstanding paragraphs (1), (2), and (3), if a participating student is age 18 or older, an eligible entity that receives a grant under this part shall not provide access to such participating student's American Dream Account without the student's consent, in accordance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the ''Family Educational Rights and Privacy Act of 1974'').

(5) INPUT OF STUDENT INFORMATION.—Student data collected pursuant to subsection (a)(2)(A) shall be entered into an American Dream Account only by a school administrator or the designee of such administrator.

(c) PROHIBITION ON USE OF STUDENT INFORMATION.—An eligible entity that receives a grant under this part shall not use any student-level information or data for the purpose of soliciting, advertising, or marketing any financial or non-financial consumer product or service that is offered by such eligible entity, or on behalf of any other person.

(d) PROHIBITION ON THE USE OF GRANT FUNDS.—An eligible entity shall not use grant funds provided under this part to provide any deposits into a college savings account portion of a student's American Dream Account.

SEC. 10306. REPORTS AND EVALUATIONS.

(a) IN GENERAL.—Not later than 1 year after the Secretary has disbursed grants under this part, and annually thereafter until each grant disbursed under this part has ended, the Secretary shall prepare and submit a report to the appropriate committees of Congress, which shall include an evaluation of the effectiveness of the grant program established under this part.

(b) CONTENTS.—The report described in subsection (a) shall—

(1) list the grants that have been awarded under section 10303(a);

(2) include the number of students who have an American Dream Account established through a grant awarded under section 10303(a);

(3) provide data (including the interest accrued on college savings accounts that are part of an American Dream Account) in the aggregate, regarding students who have an American Dream Account established through a grant awarded under section 10303(a), as compared to similarly situated students who do not have an American Dream Account;

(4) identify best practices developed by the eligible entities receiving grants under this part;

(5) identify any issues related to student privacy and stakeholder accessibility to American Dream Accounts;

(6) provide feedback from participating students and the parents of such students about the grant program, including—

(A) the impact of the program;

(B) aspects of the program that are successful;

(C) aspects of the program that are not successful; and

(D) any other data required by the Secretary; and

(7) provide recommendations for expanding the American Dream Accounts program.

SEC. 10307. ELIGIBILITY TO RECEIVE FEDERAL STUDENT FINANCIAL AID.

Notwithstanding any other provision of law, any funds that are in the college savings account portion of a student's American Dream Account shall not affect such student's eligibility to receive Federal student financial aid, including any Federal student financial aid under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and shall not be considered in determining the amount of any such Federal student aid.

SEC. 10308. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2016 and each of the 4 succeeding fiscal years.

SA 2244. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 66, between lines 2 and 3, insert the following:

''(H) how the State educational agency will—

''(i) provide information on the immunization rates of local educational agencies (in accordance with State law) to inform parents and to protect the health and safety of students; and

''(ii) make such information publically available in an understandable and usable format on the State educational agency's website, including links to each local educational agency's website and the appropriate State health agency that has such information;

SA 2245. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 1020____. SENSE OF THE SENATE ON SEQUESTRATION.

It is the Sense of the Senate that—

(1) the Nation's fiscal challenges are a top priority for Congress, and sequestration, non-strategic, across-the-board budget cuts, remains an unreasonable and inadequate budgeting tool to address the Nation's deficits and debt;

(2) sequestration relief must be accomplished for fiscal years 2016 and 2017;

(3) sequestration relief should include equal defense and non-defense relief; and

(4) sequestration relief should be offset through targeted changes in mandatory and discretionary categories and revenues.

SA 2246. Mr. MCCAIN (for himself and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XI—MISCELLANEOUS

SEC. 11001. REVIEW AND NOTIFICATIONS OF CATEGORICAL EXCLUSIONS GRANTED FOR NEXT GENERATION FLIGHT PROCEDURES.

Section 213(c) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note) is amended by adding at the end the following:

''(3) NOTIFICATIONS AND CONSULTATIONS.—Not less than 30 days before granting a categorical exclusion under this subsection for a new procedure, the Administrator shall notify and consult with the affected public and the operator of the airport at which the procedure would be implemented.

''(4) REVIEW OF CERTAIN CATEGORICAL EXCLUSIONS.—

''(A) IN GENERAL.—The Administrator shall review a decision of the Administrator made on or after February 14, 2012, and before the date of the enactment of this paragraph to grant a categorical exclusion under this subsection with respect to a procedure to be implemented at an airport to determine if the implementation of the procedure had a significant effect on the human environment in the community in which the airport is located if the operator of that airport requests such a review and demonstrates that there is good cause to believe that the implementation of the procedure had such an effect.

''(B) CONTENT OF REVIEW.—If, in conducting a review under subparagraph (A) with respect to a procedure implemented at an airport, the Administrator, in consultation with the operator of the airport, determines that implementing the procedure had a significant effect on the human environment in the community in which the airport is located, the Administrator shall—

''(i) consult with the operator of the airport to identify measures to mitigate the effect of the procedure on the human environment; and

''(ii) in conducting such consultations, consider the use of alternative flight paths.''.

SA 2247. Mr. BURR (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

Strike sections 1009, 1010, and 1011 and insert the following:

SEC. 1009. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

Section 1121 (20 U.S.C. 6331) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''and 1125A(f)''; and

(2) in subsection (b)(3)(C)(ii), by striking ''challenging State academic content standards'' and inserting ''challenging State academic standards''.

SEC. 1010. ALLOCATIONS TO STATES.

Section 1122 (20 U.S.C. 6332) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ALLOCATION FORMULA.—

''(1) INITIAL ALLOCATION.—For each of fiscal years 2016 through 2021 (referred to in this subsection as the 'current fiscal year'), the Secretary shall allocate $14,500,000,000 of the amount appropriated under section 1002(a) to carry out this part (or, if the total amount appropriated for this part is equal to or less than $14,500,000,000, all of such amount) in accordance with the following:

''(A) An amount equal to the amount made available to carry out section 1124 for fiscal year 2001 shall be allocated in accordance with section 1124.

''(B) An amount equal to the amount made available to carry out section 1124A for fiscal year 2001 shall be allocated in accordance with section 1124A.

''(C) An amount equal to 100 percent of the amount, if any, by which the amount made available under this paragraph for the current fiscal year for which the determination is made exceeds the amount available to carry out sections 1124 and 1124A for fiscal year 2001 shall be allocated in accordance with section 1125 and 1125A.

''(2) ALLOCATIONS IN EXCESS OF $14,500,000,000.—For each of the current fiscal years for which the amounts appropriated under section 1002(a) to carry out this part exceed $14,500,000,000, an amount equal to such excess amount shall be allocated in accordance with section 1123.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''under this subpart'' and inserting ''under subsection (a)(1) for sections 1124, 1124A, 1125, and 1125A''; and

(ii) by striking ''and 1125'' and inserting ''1125, and 1125A''; and

(B) in paragraph (2)—

(i) by inserting ''under subsection (a)(1)'' after ''become available''; and

(ii) by striking ''and 1125'' and inserting ''1125, and 1125A'';

(3) in subsection (c)(1), by inserting ''and to the extent amounts under subsection (a)(1) are available'' after ''For each fiscal year''; and

(4) in subsection (d)(1), by striking ''under this subpart'' and inserting ''under subsection (a)(1) for sections 1124, 1124A, 1125, and 1125A''.

SEC. 1011. EQUITY GRANTS.

Subpart 2 of part A of title I (20 U.S.C. 6331 et seq.) is amended by inserting after section 1122 the following:

''SEC. 1123. EQUITY GRANTS.

''(a) AUTHORIZATION.—From funds appropriated under section 1002(a) for a fiscal year and available for allocation pursuant to section 1122(a)(2), the Secretary is authorized to make grants to States, from allotments under subsection (b), to carry out the programs and activities of this part.

''(b) DISTRIBUTION BASED UPON CONCENTRATIONS OF POVERTY.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), funds appropriated pursuant to subsection (a) for a fiscal year shall be allotted to each State based upon the number of children counted under section 1124(c) in such State multiplied by the product of—

''(i) 40 percent of the average per-pupil expenditure in the United States (other than the Commonwealth of Puerto Rico); multiplied by

''(ii) 1.30 minus such State's equity factor described in paragraph (2).

''(B) PUERTO RICO.—For each fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount of the funds appropriated under subsection (a) that bears the same relation to the total amount of funds appropriated under such subsection as the amount that the Commonwealth of Puerto Rico received under this subpart for fiscal year 2015 bears to the total amount received by all States for such fiscal year.

''(C) STATE MINIMUM.—Notwithstanding any other provision of this section, from the total amount available for any fiscal year to

carry out this section, each State (except for Puerto Rico) shall be allotted at least the lesser of—

''(i) 0.35 percent of the total amount available to carry out this section for such fiscal year; or

''(ii) the average of—

''(I) 0.35 percent of such total amount for such fiscal year; and

''(II) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.

''(2) EQUITY FACTOR.—

''(A) DETERMINATION.—

''(i) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall determine the equity factor under this section for each State in accordance with clause (ii).

''(ii) COMPUTATION.—

''(I) IN GENERAL.—For each State, the Secretary shall compute a weighted coefficient of variation for the per-pupil expenditures of local educational agencies in accordance with subclauses (II), (III), and (IV).

''(II) VARIATION.—In computing coefficients of variation, the Secretary shall weigh the variation between per-pupil expenditures in each local educational agency and the average per-pupil expenditures in the State according to the number of pupils served by the local educational agency.

''(III) NUMBER OF PUPILS.—In determining the number of pupils under this paragraph served by each local educational agency and in each State, the Secretary shall multiply the number of children counted under section 1124(c) by a factor of 1.4.

''(IV) ENROLLMENT REQUIREMENT.—In computing coefficients of variation, the Secretary shall include only those local educational agencies with an enrollment of more than 200 students.

''(B) SPECIAL RULE.—The equity factor for a State that meets the disparity standard described in section 222.162 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001) or a State with only one local educational agency shall be not greater than 0.10.

''(c) USE OF FUNDS; ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—All funds awarded to each State under this section shall be allocated to local educational agencies under the following provisions:

''(1) DISTRIBUTION WITHIN LOCAL EDUCATIONAL AGENCIES.—Within local educational agencies, funds allocated under this section shall be distributed to schools on a basis consistent with section 1113, and may only be used to carry out activities under this part.

''(2) ELIGIBILITY FOR GRANT.—A local educational agency in a State is eligible to receive a grant under this section for any fiscal year if—

''(A) the number of children in the local educational agency counted under section 1124(c), before application of the weighted child count described in subsection (d), is at least 10; and

''(B) if the number of children counted for grants under section 1124(c), before application of the weighted child count described in subsection (d), is at least 5 percent of the total number of children aged 5 to 17 years, inclusive, in the school district of the local educational agency.

''(d) ALLOCATION OF FUNDS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—Funds received by States under this section for a fiscal year shall be allocated within States to eligible local educational agencies on the basis of weighted child counts calculated in accordance with paragraph (2), (3), or (4), as appropriate for each State.

''(2) STATES WITH AN EQUITY FACTOR LESS THAN .10.—

''(A) IN GENERAL.—In States with an equity factor less than .10, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

''(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 1.75;

''(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 2.5;

''(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 3.25; and

''(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 4.0.

''(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) who constitute not more than 834, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 1.5;

''(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 2.0; and

''(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 2.0; or

''(II) in the case of a high poverty percentage local educational agency—

''(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 2.5; and

''(bb) the number of such children in excess of 26,412 in such population, multiplied by 3.0.

''(3) STATES WITH AN EQUITY FACTOR GREATER THAN OR EQUAL TO .10 AND LESS THAN .20.—

''(A) IN GENERAL.—In States with an equity factor greater than or equal to .10 and less than .20, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

''(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 1.5;

''(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 3.0;

''(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 4.5; and

''(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 6.0.

''(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) who constitute not more than 834, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 1.5;

''(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 2.25; and

''(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 2.25; or

''(II) in the case of a high poverty percentage local educational agency—

''(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 3.375; and

''(bb) the number of such children in excess of 26,412 in such population, multiplied by 4.5.

''(4) STATES WITH AN EQUITY FACTOR GREATER THAN OR EQUAL TO .20.—

''(A) IN GENERAL.—In States with an equity factor greater than or equal to .20, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

''(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 2.0;

''(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 4.0;

''(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 6.0; and

''(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 8.0.

''(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) who constitute not more than 834, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 2.0;

''(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 3.0; and

''(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 3.0; or

''(II) in the case of a high poverty percentage local educational agency—

''(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 4.5; and

''(bb) the number of such children in excess of 26,412 in such population, multiplied by 6.0.

''(e) MAINTENANCE OF EFFORT.—

''(1) IN GENERAL.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that the State's fiscal effort per student or the aggregate expenditures of the State with respect to the provision of free public education by the State for the preceding fiscal year was not less than 90 percent of the fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of paragraph (2).

''(2) REDUCTION IN CASE OF FAILURE TO MEET.—

''(A) IN GENERAL.—The Secretary shall reduce the amount of the allotment of funds under this section in any fiscal year in the exact proportion by which a State fails to meet the requirement of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

''(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

''(3) WAIVER.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

''(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or

''(B) a precipitous decline in the financial resources of the State.

''(f) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

''(1) IN GENERAL.—If the sums available under this section for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under this section for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to paragraphs (2) and (3).

''(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under this section for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

''(3) HOLD HARMLESS AMOUNTS.—Beginning with the second fiscal year for which amounts are appropriated to carry out this section, and if sufficient funds are available, the amount made available to each local educational agency under this section for a fiscal year shall be—

''(A) not less than 95 percent of the amount made available for the preceding fiscal year if the number of children counted under section 1124(c) is equal to or more than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency;

''(B) not less than 90 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is less than 30 percent and equal to or more than 15 percent; and

''(C) not less than 85 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is less than 15 percent.

''(4) APPLICABILITY.—Notwithstanding any other provision of law, the Secretary shall not take into consideration the hold-harmless provisions of this subsection for any fiscal year for purposes of calculating State or local allocations for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

''(g) DEFINITIONS.—In this section:

''(1) HIGH POVERTY PERCENTAGE LOCAL EDUCATIONAL AGENCY.—The term 'high poverty percentage local educational agency' means a local educational agency for which the number of children determined under subsection (b) for a fiscal year is 20 percent or more of the total population aged 5 to 17, inclusive, of the local educational agency for such fiscal year.

''(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

SEC. 1011A. ADEQUACY OF FUNDING RULE.

Section 1125AA(b) (20 U.S.C. 6336(b)) is amended by striking ''section 1122(a)'' and inserting ''section 1122(a)(1)''.

SEC. 1011B. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.

In section 1125A (20 U.S.C. 6337)—

(1) in subsection (a), by striking ''under subsection (f)'' and inserting ''under section 1002(a) and made available under section 1122(a)(1)'';

(2) in subsection (b), by striking ''pursuant to subsection (f)'' and inserting ''made available for this section under section 1122(a)(1)'';

(3) in subsection (c), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(4) in subsection (d)(1)(A)(ii), by striking ''clause ''(i)'' and inserting ''clause (i)'';

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

''(e) MAINTENANCE OF EFFORT.—

''(1) IN GENERAL.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that the State's fiscal effort per student or the aggregate expenditures of the State with respect to the provision of free public education by the State for the preceding fiscal year was not less than 90 percent of the fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of paragraph (2).

''(2) REDUCTION IN CASE OF FAILURE TO MEET.—

''(A) IN GENERAL.—The Secretary shall reduce the amount of the allotment of funds under this section for any fiscal year in the exact proportion by which a State fails to meet the requirement of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

''(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

''(3) WAIVER.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

''(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or

''(B) a precipitous decline in the financial resources of the State.'';

(6) by striking subsection (f);

(7) by redesignating subsection (g) as subsection (f); and

(8) in subsection (f), as redesignated by paragraph (7)—

(A) in paragraph (1), by striking ''under this section'' and inserting ''to carry out this section''; and

(B) in subsection (f)(3), in the matter preceding subparagraph (A), by striking ''shall be'' and inserting ''shall be—''.

SEC. 1011C. SPECIAL ALLOCATION PROCEDURES.

Section 1126 (20 U.S.C. 6338) is amended by striking ''sections 1124, 1124A, 1125, and 1125A'' each place the term appears and inserting ''sections 1123, 1124, 1124A, 1125, and 1125A''.

SA 2248. Mr. BURR (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

Strike sections 1009, 1010, and 1011 and insert the following:

1009. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

Section 1121 (20 U.S.C. 6331) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''and 1125A(f)''; and

(2) in subsection (b)(3)(C)(ii), by striking ''challenging State academic content standards'' and inserting ''challenging State academic standards''.

SEC. 1010. ALLOCATIONS TO STATES.

(a) AMENDMENTS.—Section 1122 (20 U.S.C. 6332) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ALLOCATION FORMULA.—

''(1) INITIAL ALLOCATION.—For each of fiscal years 2016 through 2021 (referred to in this subsection as the 'current fiscal year'), the Secretary shall allocate $14,500,000,000 of the amount appropriated under section 1002(a) to carry out this part (or, if the total amount appropriated for this part is equal to or less than $14,500,000,000, all of such amount) in accordance with the following:

''(A) An amount equal to the amount made available to carry out section 1124 for fiscal year 2001 shall be allocated in accordance with section 1124.

''(B) An amount equal to the amount made available to carry out section 1124A for fiscal year 2001 shall be allocated in accordance with section 1124A.

''(C) An amount equal to 100 percent of the amount, if any, by which the amount made available under this paragraph for the current fiscal year for which the determination is made exceeds the amount available to carry out sections 1124 and 1124A for fiscal year 2001 shall be allocated in accordance with section 1125 and 1125A.

''(2) ALLOCATIONS IN EXCESS OF $14,500,000,000.—For each of the current fiscal years for which the amounts appropriated under section 1002(a) to carry out this part exceed $14,500,000,000, an amount equal to such excess amount shall be allocated in accordance with section 1123.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''under this subpart'' and inserting ''under subsection (a)(1) for sections 1124, 1124A, 1125, and 1125A''; and

(ii) by striking ''and 1125'' and inserting ''1125, and 1125A''; and

(B) in paragraph (2)—

(i) by inserting ''under subsection (a)(1)'' after ''become available''; and

(ii) by striking ''and 1125'' and inserting ''1125, and 1125A'';

(3) in subsection (c)(1), by inserting ''and to the extent amounts under subsection (a)(1) are available'' after ''For each fiscal year''; and

(4) in subsection (d)(1), by striking ''under this subpart'' and inserting ''under subsection (a)(1) for sections 1124, 1124A, 1125, and 1125A''.

(b) POINT OF ORDER.—

(1) IN THE SENATE.—

(A) IN GENERAL.—When the Senate is considering a bill or joint resolution making appropriations for a fiscal year, or an amendment thereto, amendment between the Houses in relation thereto, conference report thereon, or motion thereon, if a point of order is made by a Senator against a provision that provides appropriations for part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) in an amount greater than $14,500,000,000 for such year and does not appropriate funds for equity grants under section 1123 of such Act in accordance with section 1122(a)(2) of such Act, as amended by this Act, and the point of order is sustained by the Chair, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) FORM OF THE POINT OF ORDER.—In the Senate, a point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974 (2 U.S.C. 644(e)).

(C) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to subparagraph (A), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(D) SUPERMAJORITY WAIVER AND APPEAL.—In the Senate, this paragraph may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chose and sworn. An affirmative vote of three-fifths of Members of the Senate, duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

(2) IN THE HOUSE OF REPRESENTATIVES.—

(A) IN GENERAL.—A provision in a bill or joint resolution making appropriations for a fiscal year that provides appropriations for part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) in an amount greater than $14,500,000,000 for such year and does not appropriate funds for equity grants under section 1123 of such Act in accordance with section 1122(a)(2) of such Act, as amended by this Act, shall not be in order in the House of Representatives.

(B) AMENDMENTS AND CONFERENCE REPORTS.—It shall not be in order in the House of Representatives to consider an amendment to, or a conference report on, a bill or joint resolution making appropriations for a fiscal year if such amendment thereto or conference report thereon provides appropriations for part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) in an amount greater than $14,500,000,000 for such year and does not appropriate funds for equity grants under section 1123 of such Act in accordance with section 1122(a)(2) of such Act, as amended by this Act.

(3) EXERCISE OF RULEMAKING POWERS.—Congress adopts the provisions of this subsection—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of either the Senate or the House of Representatives to change those rules (insofar as they relate to that House) at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate or House of Representatives.

SEC. 1011. EQUITY GRANTS.

Subpart 2 of part A of title I (20 U.S.C. 6331 et seq.) is amended by inserting after section 1122 the following:

''SEC. 1123. EQUITY GRANTS.

''(a) AUTHORIZATION.—From funds appropriated under section 1002(a) for a fiscal year and available for allocation pursuant to section 1122(a)(2), the Secretary is authorized to make grants to States, from allotments under subsection (b), to carry out the programs and activities of this part.

''(b) DISTRIBUTION BASED UPON CONCENTRATIONS OF POVERTY.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), funds appropriated pursuant to subsection (a) for a fiscal year shall be allotted to each State based upon the number of children counted under section 1124(c) in such State multiplied by the product of—

''(i) 40 percent of the average per-pupil expenditure in the United States (other than the Commonwealth of Puerto Rico); multiplied by

''(ii) 1.30 minus such State's equity factor described in paragraph (2).

''(B) PUERTO RICO.—For each fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount of the funds appropriated under subsection (a) that bears the same relation to the total amount of funds appropriated under such subsection as the amount that the Commonwealth of Puerto Rico received under this subpart for fiscal year 2015 bears to the total amount received by all States for such fiscal year.

''(C) STATE MINIMUM.—Notwithstanding any other provision of this section, from the total amount available for any fiscal year to carry out this section, each State (except for Puerto Rico) shall be allotted at least the lesser of—

''(i) 0.35 percent of the total amount available to carry out this section for such fiscal year; or

''(ii) the average of—

''(I) 0.35 percent of such total amount for such fiscal year; and

''(II) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.

''(2) EQUITY FACTOR.—

''(A) DETERMINATION.—

''(i) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall determine the equity factor under this section for each State in accordance with clause (ii).

''(ii) COMPUTATION.—

''(I) IN GENERAL.—For each State, the Secretary shall compute a weighted coefficient of variation for the per-pupil expenditures of local educational agencies in accordance with subclauses (II), (III), and (IV).

''(II) VARIATION.—In computing coefficients of variation, the Secretary shall weigh the variation between per-pupil expenditures in each local educational agency and the average per-pupil expenditures in the State according to the number of pupils served by the local educational agency.

''(III) NUMBER OF PUPILS.—In determining the number of pupils under this paragraph served by each local educational agency and in each State, the Secretary shall multiply the number of children counted under section 1124(c) by a factor of 1.4.

''(IV) ENROLLMENT REQUIREMENT.—In computing coefficients of variation, the Secretary shall include only those local educational agencies with an enrollment of more than 200 students.

''(B) SPECIAL RULE.—The equity factor for a State that meets the disparity standard described in section 222.162 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001) or a State with only one local educational agency shall be not greater than 0.10.

''(c) USE OF FUNDS; ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—All funds awarded to each State under this section shall be allocated to local educational agencies under the following provisions:

''(1) DISTRIBUTION WITHIN LOCAL EDUCATIONAL AGENCIES.—Within local educational agencies, funds allocated under this section shall be distributed to schools on a basis consistent with section 1113, and may only be used to carry out activities under this part.

''(2) ELIGIBILITY FOR GRANT.—A local educational agency in a State is eligible to receive a grant under this section for any fiscal year if—

''(A) the number of children in the local educational agency counted under section 1124(c), before application of the weighted child count described in subsection (d), is at least 10; and

''(B) if the number of children counted for grants under section 1124(c), before application of the weighted child count described in subsection (d), is at least 5 percent of the total number of children aged 5 to 17 years, inclusive, in the school district of the local educational agency.

''(d) ALLOCATION OF FUNDS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—Funds received by States under this section for a fiscal year shall be allocated within States to eligible local educational agencies on the basis of weighted child counts calculated in accordance with paragraph (2), (3), or (4), as appropriate for each State.

''(2) STATES WITH AN EQUITY FACTOR LESS THAN .10.—

''(A) IN GENERAL.—In States with an equity factor less than .10, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

''(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 1.75;

''(iii) the number of such children who constitute more than 23.48 percent, but not more

than 29.11 percent, of such population, multiplied by 2.5;

''(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 3.25; and

''(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 4.0.

''(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) who constitute not more than 834, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 1.5;

''(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 2.0; and

''(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 2.0; or

''(II) in the case of a high poverty percentage local educational agency—

''(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 2.5; and

''(bb) the number of such children in excess of 26,412 in such population, multiplied by 3.0.

''(3) STATES WITH AN EQUITY FACTOR GREATER THAN OR EQUAL TO .10 AND LESS THAN .20.—

''(A) IN GENERAL.—In States with an equity factor greater than or equal to .10 and less than .20, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

''(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 1.5;

''(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 3.0;

''(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 4.5; and

''(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 6.0.

''(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) who constitute not more than 834, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 1.5;

''(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 2.25; and

''(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 2.25; or

''(II) in the case of a high poverty percentage local educational agency—

''(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 3.375; and

''(bb) the number of such children in excess of 26,412 in such population, multiplied by 4.5.

''(4) STATES WITH AN EQUITY FACTOR GREATER THAN OR EQUAL TO .20.—

''(A) IN GENERAL.—In States with an equity factor greater than or equal to .20, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

''(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 2.0;

''(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 4.0;

''(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 6.0; and

''(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 8.0.

''(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) who constitute not more than 834, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 2.0;

''(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 3.0; and

''(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 3.0; or

''(II) in the case of a high poverty percentage local educational agency—

''(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 4.5; and

''(bb) the number of such children in excess of 26,412 in such population, multiplied by 6.0.

''(e) MAINTENANCE OF EFFORT.—

''(1) IN GENERAL.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that the State's fiscal effort per student or the aggregate expenditures of the State with respect to the provision of free public education by the State for the preceding fiscal year was not less than 90 percent of the fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of paragraph (2).

''(2) REDUCTION IN CASE OF FAILURE TO MEET.—

''(A) IN GENERAL.—The Secretary shall reduce the amount of the allotment of funds under this section in any fiscal year in the exact proportion by which a State fails to meet the requirement of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

''(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

''(3) WAIVER.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

''(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or

''(B) a precipitous decline in the financial resources of the State.

''(f) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

''(1) IN GENERAL.—If the sums available under this section for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under this section for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to paragraphs (2) and (3).

''(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under this section for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

''(3) HOLD HARMLESS AMOUNTS.—Beginning with the second fiscal year for which amounts are appropriated to carry out this section, and if sufficient funds are available, the amount made available to each local educational agency under this section for a fiscal year shall be—

''(A) not less than 95 percent of the amount made available for the preceding fiscal year if the number of children counted under section 1124(c) is equal to or more than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency;

''(B) not less than 90 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is less than 30 percent and equal to or more than 15 percent; and

''(C) not less than 85 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is less than 15 percent.

''(4) APPLICABILITY.—Notwithstanding any other provision of law, the Secretary shall not take into consideration the hold-harmless provisions of this subsection for any fiscal year for purposes of calculating State or local allocations for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

''(g) DEFINITIONS.—In this section:

''(1) HIGH POVERTY PERCENTAGE LOCAL EDUCATIONAL AGENCY.—The term 'high poverty percentage local educational agency' means a local educational agency for which the number of children determined under subsection (b) for a fiscal year is 20 percent or more of the total population aged 5 to 17, inclusive, of the local educational agency for such fiscal year.

''(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

SEC. 1011A. ADEQUACY OF FUNDING RULE.

Section 1125AA(b) (20 U.S.C. 6336(b)) is amended by striking ''section 1122(a)'' and inserting ''section 1122(a)(1)''.

SEC. 1011B. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.

In section 1125A (20 U.S.C. 6337)—

(1) in subsection (a), by striking ''under subsection (f)'' and inserting ''under section 1002(a) and made available under section 1122(a)(1)'';

(2) in subsection (b), by striking ''pursuant to subsection (f)'' and inserting ''made available for this section under section 1122(a)(1)'';

(3) in subsection (c), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(4) in subsection (d)(1)(A)(ii), by striking ''clause ''(i)'' and inserting ''clause (i)'';

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

''(e) MAINTENANCE OF EFFORT.—

''(1) IN GENERAL.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that the State's fiscal effort per student or the aggregate expenditures of the State with respect to the provision of free public education by the State for the preceding fiscal year was not less than 90 percent of the fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of paragraph (2).

''(2) REDUCTION IN CASE OF FAILURE TO MEET.—

''(A) IN GENERAL.—The Secretary shall reduce the amount of the allotment of funds under this section for any fiscal year in the exact proportion by which a State fails to meet the requirement of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

''(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

''(3) WAIVER.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

''(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or

''(B) a precipitous decline in the financial resources of the State.'';

(6) by striking subsection (f);

(7) by redesignating subsection (g) as subsection (f); and

(8) in subsection (f), as redesignated by paragraph (7)—

(A) in paragraph (1), by striking ''under this section'' and inserting ''to carry out this section''; and

(B) in subsection (f)(3), in the matter preceding subparagraph (A), by striking ''shall be'' and inserting ''shall be—''.

SEC. 1011C. SPECIAL ALLOCATION PROCEDURES.

Section 1126 (20 U.S.C. 6338) is amended by striking ''sections 1124, 1124A, 1125, and 1125A'' each place the term appears and inserting ''sections 1123, 1124, 1124A, 1125, and 1125A''.

SA 2249. Ms. WARREN (for herself, Mr. GARDNER, and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 73, line 12, strike the period at the end and insert the following: ''; and

''(N) the State educational agency will provide the information described in clauses (ii), (iii), and (iv) of subsection (d)(1)(C) to the public in an easily accessible and user-friendly manner that can be cross-tabulated by, at a minimum, each major racial and ethnic group, gender, English proficiency, and students with or without disabilities, which—

''(i) may be accomplished by including such information on the annual State report card described subsection (d)(1)(C)); and

''(ii) shall be presented in a manner that—

''(I) is first anonymized and does not reveal personally identifiable information about an individual student;

''(II) does not include a number of students in any category of students that is insufficient to yield statistically reliable information or that would reveal personally identifiable information about an individual student; and

''(III) is consistent with the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the 'Family Educational Rights and Privacy Act of 1974').

''(3) RULES OF CONSTRUCTION.—Nothing in paragraph (2)(N) shall be construed to—

''(A) require groups of students obtained by any entity that cross-tabulates the information provided under such paragraph to be considered categories of students under subsection (b)(3)(A) for the purposes of the State accountability system under subsection (b)(3); or

''(B) to prohibit States from publicly reporting data in a cross-tabulated manner, in order to meet the requirements of paragraph (2)(N).

''(4) TECHNICAL ASSISTANCE.—Upon request by a State educational agency, the Secretary shall provide technical assistance to such agency in order to meet the requirements of paragraph (2)(N).

On page 189, after line 23, insert the following:

''(5) Designing the report cards and reports under section 1111(d) in an easily accessible, user-friendly manner that cross-tabulates student information by any category the State determines appropriate, as long as such cross-tabulation—

''(A) does not reveal personally identifiable information about an individual student; and

''(B) is derived from existing State and local reporting requirements and data sources.

''(b) RULE OF CONSTRUCTION.—Nothing in paragraph (5) shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary not otherwise explicitly authorized under this Act.

SA 2250. Mr. BENNET (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 336, between lines 4 and 5, insert the following:

''PART C—TEACHER, TEACHER LEADER, PRINCIPAL, OR OTHER SCHOOL LEADER PATHWAYS

''SEC. 2251. PROGRAM AUTHORIZED.

''From the funds made available under section 2256(a) and not reserved under section 2256(b) for each fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable such eligible entities to create or expand evidence-based programs that provide pathways into teaching, teacher leadership, and school administration that employ innovative approaches to recruitment, competitive selection, preparation, and placement of new teachers, teacher leaders, principals, and other school leaders to teach or lead in and meet the specific needs of local educational agencies with a high share of high-need schools.

''SEC. 2252. DEFINITIONS.

''In this part:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) one or more institutions of higher education or nonprofit organizations with a demonstrated record of—

''(i) preparing teachers, principals, or other school leaders who meet a high standard of performance in the classroom, including by increasing student learning; and

''(ii) placing a significant percentage of those teachers, principals, or other school leaders in high-need schools, including in low-performing high-need schools, and, as appropriate within those schools, in high-need fields, subjects, or geographic areas; or

''(B) a high-need local educational agency or consortium of such agencies that has—

''(i) a demonstrated record of preparing teachers, principals, or other school leaders who meet a high standard of performance, including by increasing student learning; or

''(ii) a promising new preparation model that meets the description of evidence-based under subclause (I) or (II) of section 9101(23)(A)(i).

''(2) GRADUATE.—The terms 'program graduates', 'graduates', and 'graduate' may include program participants who are teachers of record, principals, or other school leaders.

''SEC. 2253. APPLICATIONS.

''(a) IN GENERAL.—An eligible entity that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

''(b) CONTENTS.—Each application shall—

''(1) describe how the eligible entity will implement an evidence-based teacher, principal, or other school leader preparation program that prepares teachers, principals, or other school leaders to meet a high standard of performance in the classroom or school, including by increasing student learning, and shall include a description of how the eligible entity will—

''(A) recruit and competitively select candidates, especially from underrepresented groups, with high potential to be effective teachers, principals, or other school leaders in high-need schools;

''(B) prepare candidates to meet the specific needs of high-need schools and, as appropriate within those schools, to teach or lead in high-need fields or subjects, or across the entire school, including providing sustained, rigorous, high-quality school-based clinical preparation and on-the-job support; and

''(C) determine if an individual participating in the program is attaining, or has attained, the competencies needed to complete the training and succeed in the classroom or school, and ensure a high standard for exit from the program while providing counseling to individuals who have not attained those competencies needed to complete the training;

''(2) identify local educational agencies to be served under the grant and describe how the eligibly entity determined the educator quality needs of each local educational agency and how the activities to be conducted

under the grant program will meet such needs;

''(3) identify any partners that will be involved in developing or implementing projects under the grant and the role of those partners in implementing the program, including any partner that will provide training to prospective teachers, principals, or other school leaders;

''(4) if applying to expand an existing preparation model by an experienced provider to more candidates or to a new geographic area, provide data about the eligible entity's record of producing teachers, principals, or other school leaders who—

''(A) have been hired to teach or lead in high-need schools;

''(B) meet a high standard of performance in classrooms or in school administration, including increasing student learning; and

''(C) have high early career retention rates in high-need schools;

''(5) describe how the eligible entity will maintain a system to track and report on the success of program graduates based on multiple measures, including if applicable, as appropriate, and if feasible—

''(A) the percentage of graduates who are effective under a State evaluation system, or if the eligible entity operates in a State that has no State evaluation system, a local educational agency evaluation system, that uses multiple measures of educator performance, including student learning and growth, and provides clear, timely, and useful feedback that identifies needs and guides professional development;

''(B) student learning, including growth of students taught or lead by the graduate;

''(C) the percentage of program participants who become teachers, principals, or other school leaders in a high-need or low-performing school;

''(D) the percentage of graduates who remain in high-need schools for 3 years or more;

''(E) graduate and supervisor feedback; and

''(F) certification pass rate; and

''(6) describe how the eligible entity will maintain specialized accreditation or demonstrate that graduates have content and pedagogical knowledge and high-quality clinical preparation, and have met rigorous exit requirements.

''(c) PRIORITY.—In awarding grants under this part,—

''(1) the Secretary shall give priority to an applicant that includes an entity that will implement or expand a preparation program or activities in a program that has strong or moderate evidence; and

''(2) the Secretary may give priority to an application that includes an eligible entity that will rigorously evaluate the program and activities funded by the grant in a manner that will help further build the evidence base in the field relevant to this part.

''SEC. 2254. SELECTION CRITERIA.

''In awarding grants under this part, the Secretary—

''(1) shall consider—

''(A) the proposed program's level of evidence; and

''(B) the extent to which an eligible entity will—

''(i) rigorously evaluate the programs and activities funded by the grant in a manner that will help further build the evidence base in the field relevant to this part;

''(ii) comprehensively track and report on the effectiveness of program graduates based on multiple measures, including performance at the classroom or school level, placement and retention in high-need schools, or other indicators of teacher, principal, or other school leader quality, and use data to continuously improve the program;

''(iii) prepare prospective teachers, principals, or other school leaders to meet specific local educational agency needs in high-need and low-performing schools;

''(iv) if applicable, prepare prospective teachers to teach in high-need fields or subjects within high-need schools;

''(v) ensure a high standard for entry to and exit from the program; and

''(vi) align the coursework and clinical preparation provided to prospective teachers, principals, or other school leaders being prepared under the grant, as appropriate, with the content areas the individuals will be teaching or leading, the school environment in which the individuals will be working (including significant special populations the individuals may be working with), and the instructional activities the individuals will be expected to perform or lead; and

''(2) may consider the extent to which an eligible entity—

''(A) allows prospective teachers, principals, or other school leaders being prepared under the grant to demonstrate competency on subject-matter tests;

''(B) recruits, competitively selects, and prepares veterans of the Armed Forces (including those recently separated from military service) or candidates from underrepresented groups who—

''(i) have strong potential to be effective educators in high-need schools; and

''(ii) are interested in beginning a career as a teacher, principal, or other school leader; or

''(C) will provide a teacher residency program or a school leader residency program.

''SEC. 2255. USES OF FUNDS.

''(a) IN GENERAL.—A recipient of a grant under this part may use grant funds to carry out evidence-based teacher, principal, or other school leader preparation programs that prepare teachers, principals, or other school leaders to meet a high standard of performance in the classroom or school, including by increasing student learning, and to teach and lead in high-need schools, which may include activities to—

''(1) rigorously recruit and competitively select candidates with the strongest potential to be effective educators in high-need schools, especially from underrepresented groups;

''(2) provide robust, continuous, and high-quality school-based clinical experiences, which may include teacher residency programs or school leader residency programs;

''(3) develop program participants' ability to analyze quantitative and qualitative student data to inform planning, instructional decisions, and professional development;

''(4) train candidates to implement personalized learning environments, tools, resources, and activities, including through the effective use of educational technology;

''(5) prepare teachers in classroom management, instructional planning and delivery, subject matter, and teaching skills;

''(6) place candidates who are prepared to immediately meet a high standard of performance on the job in teaching or leadership positions in high-need schools and classrooms;

''(7) provide induction, mentoring, and support programs for early career program graduates;

''(8) train teacher, principal, or other school leader candidates on how to effectively communicate and engage with parents, relatives, and other family members to improve student outcomes; and

''(9) provide training and compensation for staff in schools that are used for a proposed clinical portion of the preparation program, as well as the development of curriculum and training materials for such staff.

''(b) STIPENDS, SERVICE, WAIVER, REPAYMENT.—

''(1) A grantee may use a portion of its grant funds under this part to provide a stipend and other support services for prospective teachers, teacher leaders, principals, or other school leaders selected for programs under the grant.

''(2) Where applicable, the grantee shall establish such rules for length of service, waiver of service, repayment requirements, and amount of stipends, for Federal funds used under this part for stipends and other support services for prospective teachers, teacher leaders, principals, or other school leaders selected for programs under the grant, as the Secretary deems appropriate. A grantee shall use any repayment recovered under those rules to carry out additional activities that are consistent with the purpose of this part.

''SEC. 2256. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—For the purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

''(b) RESERVATION.—From the funds made available under subsection (a) for any fiscal year, the Secretary may reserve not more than 5 percent for national leadership activities, including—

''(1) technical assistance to grantees; and

''(2) evaluation of the effectiveness of the program assisted under this part, which shall be conducted by a third party or by the Institute of Education Sciences.''.

SA 2251. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 367, by striking ''using'' on line 9 and all that follows through line 23 and inserting ''by calculating—

''(i) the sum of—

''(I) 75 percent of the number of individuals age 5 to 21 who speak English less than very well in the State, as determined from 3 year estimates through data available from the American Community Survey conducted by the Department of Commerce; and

''(II) 25 percent of the number of students who are determined not to be English proficient on the basis of the State's English language proficiency assessment under section 1111(b)(2)(G) (which may be multiyear estimates); or

''(ii) another combination of the data derived from the sources described in subclauses (I) and (II) of clause (i), except that such combination of data shall include not less than 25 percent of the number of students described in clause (i)(II);

SA 2252. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 746, between lines 2 and 3, insert the following:

(ii) in subparagraph (B), by striking clause (iv) and inserting the following:

''(iv)(I) In the case of a local educational agency that has a total student enrollment

of fewer than 1,000 students and that has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or less than the average per-pupil expenditure of all the States, the total percentage used to calculate threshold payments under clause (i) shall not be less than 40 percent.

''(II) In the case of a local educational agency that, on the date of enactment of the Every Child Achieves Act of 2015, met the description in subclause (I) and whose total student enrollment increases for a subsequent year to—

''(aa) more than 999 but not more than 1,100 students, the total percentage used to calculate threshold payments under clause (i) shall not be less than 30 percent, unless such local educational agency would receive a larger payment under subsection (e); or

''(bb) more than 1,100 but not more than 1,200 students, the total percentage used to calculate threshold payments under clause (i) shall not be less than 20 percent, unless such local educational agency would receive a larger payment under subsection (e).'';

SA 2253. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

On page 146, line 12, after ''1111(b)(3)(B)(iii)'' insert ''which shall include identification of the lowest-performing public schools that receive funds under this part in the State based on the method described in section 1111(b)(3)(B)(iii), which shall include at least 5 percent of all the State's public schools that receive funds under this part''.

SA 2254. Mr. KING (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

Beginning on page 587, strike line 15 and all that follows through page 588, line 10, and insert the following:

''(2) ELIGIBLE TECHNOLOGY.—The term 'eligible technology' means modern computer, and communication technology software, services, or tools, including computer or mobile devices (which may include any service or device that provides Internet access outside of the school day), software applications, systems and platforms, and digital learning content, and related services and supports.

''(3) TECHNOLOGY READINESS SURVEY.—The term 'technology readiness survey' means a survey completed by a local educational agency that provides standardized information on the quantity and types of technology infrastructure and access available to the students and in the community served by the local educational agency, including computer devices, access to school libraries, Internet connectivity (including Internet access outside of the school day), operating systems, related network infrastructure, data systems, educator professional learning needs and priorities, and data security.

''(4) UNIVERSAL DESIGN FOR LEARNING.—The term 'universal design for learning' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

''SEC. 5702A. RESTRICTION.

''Funds awarded under this part shall not be used to address the networking needs of an entity that is eligible to receive support under the E-rate program.

SA 2255. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

Beginning on page 228, strike line 21 and all that follows through page 230, line 19, and insert the following:

''(a) STATE ALLOCATIONS.—

''(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part for a fiscal year an amount equal to—

''(A) the sum of

''(i) the average number of identified eligible migratory children, aged 3 through 21, residing in the State, based on data for the preceding 3 fiscal years; and

''(ii) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during the previous fiscal year; multiplied by

''(B) 40 percent of the average per-pupil expenditure in the State, except that the amount calculated under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

''(2) HOLD HARMLESS.—Notwithstanding paragraph (1), for each of fiscal years 2016, 2017, and 2018, no State shall receive under this part less than 90 percent of the amount such State received under this part for the previous fiscal year.'';

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 14, 2015, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 14, 2015 at 10 a.m., in room SR–253 of the Russell Senate Office Building to conduct a subcommittee hearing entitled ''Unlocking the Cures for America's Most Deadly Diseases.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMERCE ON ENERGY AND NATURAL RESOURCES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 14, 2015, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on July 14, 2015, at 2:30 p.m. in room 428A of the Russell Senate Office Building to conduct a hearing entitled ''Challenges and Opportunities for Small Businesses Engaged in Energy Development and Energy Intensive Manufacturing.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 14, 2015, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Ms. WARREN. Mr. President, I ask unanimous consent that Lindsay Owens from my staff be given privileges for the remainder of the 114th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the following individuals who are interns on my staff for this summer be given privileges of the floor: Steven Murphy, Gwen Ranniger, Christian Escalante, Alexander Wong, Cassandra Adams, Taylor Sheldon, Max Blust, Kellie Chong, Malia Walters, and Kaitlin Bowers.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF ROMONIA S. DIXON TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NOMINATION OF VICTORIA ANN HUGHES TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NOMINATION OF RICHARD CHRISTMAN TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NOMINATION OF ERIC P. LIU TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NOMINATION OF DEAN A. REUTER TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NOMINATION OF SHAMINA SINGH TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 133, 134, 135, 206, 207, and 208; that the Senate proceed to vote without intervening action or debate; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nominations.

The senior assistant legislative clerk read the nominations of Romonia S. Dixon, of Arizona, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2018; Victoria Ann Hughes, of Virginia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2016; Richard Christman, of Kentucky, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2017; Eric P. Liu, of Washington, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring December 27, 2017; Dean A. Reuter, of Virginia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring September 14, 2016; and Shamina Singh, of New York, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2019.

VOTE ON DIXON NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Romonia S. Dixon, of Arizona, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2018?

The nomination was confirmed.

VOTE ON HUGHES NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Victoria Ann Hughes, of Virginia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2016?

The nomination was confirmed.

VOTE ON CHRISTMAN NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Richard Christman, of Kentucky, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2017?

The nomination was confirmed.

VOTE ON LIU NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Eric P. Liu, of Washington, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring December 27, 2017?

The nomination was confirmed.

VOTE ON REUTER NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Dean A. Reuter, of Virginia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring September 14, 2016?

The nomination was confirmed.

VOTE ON SINGH NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Shamina Singh, of New York, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2019?

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

The Senator from Tennessee.

SYRIAN WAR CRIMES ACCOUNTABILITY ACT OF 2015

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 117, S. 756.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 756) to require a report on accountability for war crimes and crimes against humanity in Syria.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALEXANDER. I further ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 756) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 756

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 ''Syrian War Crimes Accountability Act of 2015''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) March 2015 marks the fourth year of the ongoing conflict in Syria.

(2) On December 17, 2014, the United Nations Security Council unanimously adopted Resolution 2191 ''expressing outrage at the unacceptable and escalating level of violence and the killing of more than 191,000 people, including well over 10,000 children'' and approximately 1,000,000 injured in Syria.

(3) More than half of Syria's population is displaced as of March 2015, with more than 7,600,000 internally displaced and more than 3,700,000 refugees in neighboring countries.

(4) On February 19, 2015, United Nations Secretary-General Ban Ki-moon reported to the Security Council that ''parties to the conflict are failing to live up to their international legal obligations to protect civilians'' and called for action to ensure the unfettered delivery of humanitarian relief, an end to the use of denial of services as a weapon of war, and a response to ''the relentless and indiscriminate attacks on civilians, including through the use of barrel bombs''.

(5) On February 27, 2014, the Department of State issued its 2013 Human Rights Report on Syria, which described President Bashar al Assad's use of ''indiscriminate and deadly force'' in the conflict, including the August 21, 2013, use of ''sarin gas and artillery to target East Ghouta and Moadamiya al-Sham, suburbs of Damascus, which killed over 1,000 people''.

(6) The 2014 United States Commission on International Religious Freedom Annual Report states that in Syria ''terrorist organizations espouse violence and the creation of an Islamic state with no space for religious diversity and have carried out religiously-motivated attacks and massacres against Alawite, Shi'a and Christian civilians.''

(7) On February 4, 2015, the Executive Council of the Organization for the Prohibition of Chemical Weapons (OPCW) adopted a decision expressing serious concern about the findings ''with a high degree of confidence'' of an OPCW fact-finding mission

that chlorine had been used as a weapon in some areas of Syria in 2014 and calling for those individuals responsible to be held accountable.

(8) The United Nations Independent International Commission of Inquiry on the Syrian Arab Republic reports that pro-government forces have conducted attacks on Syrian civilian populations, and have utilized murder, torture, assault, and rape as war tactics. Anti-government groups have also committed murder and torture, engaged in hostage-taking, attacked protected objects, and shelled civilian neighborhoods. The Commission's February 2015 report states that Syria's civil war ''has been characterized by massive, recurrent violations of human rights and international humanitarian law that demand urgent international and national action''.

(9) On March 12, 2015, Physicians for Human Rights (PHR) reported that since 2011, at least 610 medical personnel have been killed and there have been 233 deliberate or indiscriminate attacks on 183 medical facilities in Syria. The Physicians for Human Rights report cited evidence that the Government of Syria committed 88 percent of the recorded hospital attacks and 97 percent of medical personnel killings, and ''has targeted health care and increasingly used it as a weapon of war to destroy its opponents by preventing care, killing thousands of civilians along the way''.

(10) Internationally accepted rules of war require actors to distinguish between civilians and combatants and that all parties are obligated to respect and protect the wounded and sick and to take care all reasonable measures to provide safe and prompt access for the wounded and sick to medical care.

SEC. 3. SENSE OF CONGRESS.

Congress—

(1) strongly condemns the ongoing violence, use of chemical weapons, targeting of civilian populations with barrel, incendiary, and cluster bombs and SCUD missiles, and systematic gross human rights violations carried out by Government of Syria and pro-government forces under the direction of President Bashar al-Assad, as well as all abuses committed by violent extremist groups and other combatants involved in the civil war in Syria;

(2) expresses its support for the people of Syria seeking democratic change;

(3) urges all parties to the conflict to immediately halt indiscriminate attacks on civilians, allow for the delivery of humanitarian and medical assistance, and end sieges of civilian populations;

(4) calls on the President to support efforts in Syria and on the part of the international community to ensure accountability for war crimes and crimes against humanity committed during the conflict; and

(5) supports the requirement in United Nations Security Council Resolutions 2191, 2165 and 2139 for regular reporting by the Secretary-General on implementation on the resolutions, including of paragraph 2 of resolution 2139, which demands that all parties desist from violations of international humanitarian law and violations and abuses of human rights and calls on the Security Council to establish a committee to investigate past and ongoing gross violations of human rights and war crimes in the Syrian conflict.

SEC. 4. REPORT ON ACCOUNTABILITY FOR WAR CRIMES AND CRIMES AGAINST HUMANITY IN SYRIA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and again not later than 180 days after the cessation of violence in Syria, the Secretary of State shall submit to the appropriate congressional committees a report on war crimes and crimes against humanity in Syria.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description of violations of internationally recognized human rights, war crimes, and crimes against humanity perpetrated during the civil war in Syria, including—

(A) an account of incidents that may constitute war crimes and crimes against humanity committed by the regime of President Bashar al-Assad and all forces fighting on its behalf;

(B) an account of incidents that may constitute war crimes and crimes against humanity committed by violent extremist groups, anti-government forces, and any other combatants in the conflict;

(C) a description of any incidents that may violate the principle of medical neutrality and, when possible, an identification of the individual or individuals who engaged in or organized such violations; and

(D) where possible, a description of the conventional and unconventional weapons used for such crimes and, the origins of the weapons.

(2) A description of efforts by the Department of State and the United States Agency for International Development to ensure accountability for violations of internationally recognized human rights, international humanitarian law, and crimes against humanity perpetrated against the people of Syria by the regime of President Bashar al-Assad, violent extremist groups, and other combatants involved in the conflict, including—

(A) a description of initiatives that the United States Government has undertaken to train investigators in Syria on how to document, investigate, and develop findings of war crimes, including the number of United States Government or contract personnel currently designated to work full-time on these issues and an identification of the authorities and appropriations being used to support training efforts;

(B) a description and assessment of Syrian and international efforts to ensure accountability for crimes committed during the Syrian conflict, including efforts to promote a transitional justice process that would include criminal accountability and the establishment of an ad hoc tribunal to prosecute the perpetrators of war crimes committed during the civil war in Syria; and

(C) an assessment of the influence of accountability measures on efforts to reach a negotiated settlement to the conflict during the reporting period.

(c) FORM.—The report required under subsection (a) may be in unclassified or classified form, but shall include a publicly available annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEE DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations of the Senate; and

(2) the Committee on Foreign Affairs of the House of Representatives.

NEED-BASED EDUCATIONAL AID ACT OF 2015

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 146, S. 1482.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1482) to improve and reauthorize provisions relating to the application of the antitrust laws to the award of need-based educational aid.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1482) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1482

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 ''Need-Based Educational Aid Act of 2015''.

SEC. 2. EXTENSION RELATING TO THE APPLICATION OF THE ANTRITRUST LAWS TO THE AWARD OF NEED-BASED EDUCATIONAL AID.

Section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting ''or'' after the semicolon;

(B) in paragraph (3), by striking ''; or'' and inserting a period at the end; and

(C) by striking paragraph (4); and

(2) in subsection (d), by striking ''2015'' and inserting ''2022''.

Mr. LEAHY. Mr. President, today the Senate has passed the bipartisan Need-Based Educational Aid Act of 2015, which will extend for another 7 years the anti-trust exemption permitting colleges and universities to collaborate on issues of need-based financial aid. I worked on this legislation with Senators GRASSLEY and LEE. Together we crafted an approach to reauthorize this exemption which earned the unanimous support of the Judiciary Committee just last week. This anti-trust exemption allows colleges and universities that admit students on a need-blind basis to collaborate on the formula used to determine how much families can pay for college. Without congressional action, this exemption will expire at the end of September.

Congress first enacted this exemption in 1994 and this will be the third time we have acted to reauthorize it. It is important for Congress to carefully review anti-trust exemptions to ensure that they continue to serve the public interest. In this case, our review led us to conclude that one particular provision should sunset because it has never been used by colleges and universities. The need for this slight modification underscores why I am skeptical of permanent anti-trust exemptions. Requiring those who benefit from exemptions to the anti-trust laws to come to Congress and justify renewal ensures that they do not become a blank check for anti-competitive behavior.

I would contrast the limited renewal the Senate has passed today with the McCarran-Ferguson Act, a permanent anti-trust exemption that the insurance industry has enjoyed since 1945. I

have worked for years on a bipartisan basis to repeal that law precisely because marketplace conditions can change significantly over a 7-year period, not to mention the 70 years since McCarran-Ferguson was enacted. We should learn from our experience with today's bill.

Our bipartisan and bicameral bill serves an important goal—allowing covered universities to focus their resources on ensuring the most qualified students can attend some of the best schools in the country, regardless of income. I am proud that Middlebury College in Vermont is one of those covered schools. I also appreciate the efforts of the bill's sponsors in the House, Congressmen SMITH and JOHNSON. I urge the House to pass our bipartisan bill this week.

WORLD REFUGEE DAY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 134, S. Res. 204.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 204) recognizing June 20, 2015 as ''World Refugee Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 204) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 18, 2015, under ''Submitted Resolutions.'')

NATIONAL CHILD AWARENESS MONTH

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 223, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 223) designating September 2015 as ''National Child Awareness Month'' to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing the efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 223) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

EVERY CHILD ACHIEVES ACT

Mr. ALEXANDER. Mr. President, we have had a good day on our legislation to fix No Child Left Behind. I thank the Senators for their cooperation. We have worked through most issues. I think it is important to note that in our committee consideration, we considered 58 amendments and adopted 29. So far, we have considered 22 on the floor and adopted—well, we have adopted 22 on the floor.

Senator MURRAY—the ranking member—and I have agreed to another couple of dozen amendments from both sides of the aisle; more of them are Democratic than Republican. We are prepared to recommend them to the Senate for adoption by unanimous consent. There are another two dozen amendments; more of them are Democratic than Republican, including several which are important to the Democratic side—the accountability amendment, for example; the early childhood amendment, for example—which I think deserve a vote. I don't support them, but I think they deserve a vote. We are prepared to recommend that the Senate consider them. If we were to do that, we could finish the bill.

We have one remaining issue. It is an impasse over a formula funding question, which State gets more money from title I. That is always very difficult. The disputants are two of the most distinguished Members of the Senate. I am confident that they see the larger picture, which is that most Americans expect us to finish this bill and most Senators would expect us to be able to vote on the nearly 50 amendments that I just described.

So my hope is that we can come to some agreement; that tomorrow morning even before the cloture vote is scheduled we announce that agreement and we proceed to adopt by unanimous consent the amendments that remain to be adopted and then we vote on the amendments that remain to be voted on, all of which would permit us to finish the bill on Thursday.

So I thank Senators for that. I continue to ask for cooperation. I think an excellent example of that cooperation was the Senator from Minnesota, Mr. FRANKEN, who withheld his amendment in committee and offered it on the floor in order to make sure the bill passed.

ORDERS FOR WEDNESDAY, JULY 15, 2015

Mr. ALEXANDER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, July 15; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate resume consideration of S. 1177, with the time until the cloture vote equally divided in the usual form; finally, that the filing deadline for all second-degree amendments to the substitute amendment No. 2089 and the underlying bill, S. 1177, be at 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ALEXANDER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:39 p.m., adjourned until Wednesday, July 15, 2015, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 14, 2015:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ROMONIA S. DIXON, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2018.

VICTORIA ANN HUGHES, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2016.

RICHARD CHRISTMAN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2017.

ERIC P. LIU, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 27, 2017.

DEAN A. REUTER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING SEPTEMBER 14, 2016.

SHAMINA SINGH, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2019.