

(Mr. BOND) was added as a cosponsor of amendment No. 2498 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

## AMENDMENT NO. 2507

At the request of Mr. TESTER, the name of the Senator from Nebraska (Mr. JOHANN) was added as a cosponsor of amendment No. 2507 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN:

S. 1697. A bill to require that household cleaning products and similar products bear labels that state completely and accurately all of the ingredients of such products, and for other purposes, to the Committee on Commerce, Science, and Transportation.

Mr. FRANKEN. Mr. President, today I am introducing my second bill, the Household Product Labeling Act. This legislation will enable consumers to determine whether potentially harmful chemicals are present in the household cleaning products they use every day. I want to first thank my colleague in the House, Representative ISRAEL of New York's 2nd District, for his leadership on this issue and for the tremendous work he put into helping to craft this bill.

In many households across the country, the entire family pitches in on household cleaning chores. The effort is obviously intended to keep everyone healthy by cutting down on germs, bacteria, and mold. But unfortunately, many of the ingredients in commonly used cleaning products may be dangerous themselves. Current law requires that product labels list immediately hazardous ingredients, but there is no labeling requirement for ingredients that may cause harm over time.

Many chemicals contained in household products have been shown to produce harmful health effects. Consumers have a right to know which of these potentially harmful chemicals might be present in their kitchen and bathroom cupboards. This information is particularly important to families with small children, who as we all know have more direct contact with floors and household surfaces. This legislation simply makes that information readily available to consumers, giving them the opportunity to make an informed choice about the chemicals they bring into their homes.

How many times have you heard on the news or read in the paper about a new drug or chemical that has been recently linked to health or environmental hazards? It happens all the time. An ingredient that a company

claims is "perfectly safe" today could be reclassified as "dangerous" tomorrow. And an ingredient that is safe for most people could be a major irritant for a child with asthma. Eventually, I hope that manufacturers will take preemptive action and eliminate potentially harmful chemicals from their products. In the meantime, this legislation is a common sense step in the right direction.

I urge my colleagues to support the "Household Product Labeling Act" and give consumers the right to shield their families from potentially harmful household products.

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. 1697

*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 "Household Product Labeling Act of 2009".

## SEC. 2. LABELING REQUIREMENT FOR CERTAIN HOUSEHOLD PRODUCTS.

(a) DEFINITIONS.—In this Act:

(1) CONSUMER PRODUCT.—The term "consumer product" has the meaning given the term in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052).

(2) COVERED PRODUCTS.—The term "covered products" consists of the following consumer products:

- (A) Household cleaning products.
- (B) Air fresheners and deodorizers.
- (C) Floor and furniture polish.
- (D) Dishwashing soap.
- (E) Drain cleaners.
- (F) Laundry detergent and dryer sheets.
- (G) Epoxies.
- (H) Paints or stains.

(I) Any other similar consumer product designated by the Consumer Product Safety Commission for purposes of this Act.

(3) INGREDIENTS.—The term "ingredients", with respect to a covered product, includes any fragrance, dye, or preservative, and any component of such fragrance, dye, or preservative, included in such product.

(4) INTERSTATE COMMERCE.—The term "interstate commerce" has the meaning given the term in section 2 of the Federal Hazardous Substances Act (15 U.S.C. 1261).

(5) LABEL.—The term "label" has the meaning given such term in such section 2.

(b) LABELING REQUIREMENT.—

(1) IN GENERAL.—Each covered product introduced or delivered for introduction into interstate commerce shall bear a label that states completely, accurately, and legibly all of the ingredients of such product.

(2) STANDARD LIST OF INGREDIENTS.—The Consumer Product Safety Commission shall prescribe in the rules required by subsection (d) a standardized list of the ingredients known to be included in covered products in order to ensure the uniform statement of ingredients on covered products in labels on covered products under this Act.

(c) ENFORCEMENT.—Beginning on the date that is 540 days after the date of the enactment of this Act, any covered product that is introduced or delivered for introduction into interstate commerce in violation of subsection (b) shall be treated as a misbranded hazardous substance within the meaning of section 2(p) of the Federal Hazardous Substances Act (15 U.S.C. 1261(p)).

(d) RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall prescribe rules to carry out this Act.

By Mr. BINGAMAN (for himself, Mr. REID, Mr. DODD, Mrs. MURRAY, Mr. REED, Mr. BROWN, Mr. CASEY, Mr. MERKLEY, and Mr. FRANKEN):

S. 1698. A bill to provide grants to the States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today, along with Senators REID, DODD, MURRAY, REED, BROWN, CASEY, MERKLEY, and FRANKEN, to introduce the Graduation Promise Act of 2009, or GPA. This bill would create Federal-State-local partnerships to improve this nation's graduation rates, and to help transform our lowest-performing high schools.

Twenty years ago, the Nation's governors met with the first President Bush in Charlottesville, Virginia, for a groundbreaking education summit. They agreed to set high expectations for education for the coming decade, including an increase in the national high school graduation rate to 90 percent by the year 2000. Today, we are not even close to achieving that goal.

Indeed, the Nation's high school graduation rate has stagnated at around 70 percent. Graduation rates for students of color are even lower. In my own home state of New Mexico, the graduation rate is only 54 percent. Yet Federal education policy and funding have focused primarily upon elementary and postsecondary education. Only about 8 percent of all Title I dollars go to high schools.

The economic cost of the high school dropout crisis is significant. According to the Alliance for Excellent Education, if the students who dropped out of the Class of 2009 had graduated, the nation's economy would have benefited from nearly \$335 billion in additional income over the course of these students' lifetimes. Failing to address the nation's dropout crisis fails our students and our country because too few young Americans are prepared to enter the workforce, which harms our economy and our standing in the world. If we don't improve our graduation rates, we will lose our competitive edge.

But low graduation rates are only one broad indicator of the crisis affecting our Nation's high schools. Even if a student makes it to graduation, only a third of all students who enter the 9th grade will graduate with the skills and knowledge necessary to succeed in college or the modern workplace. They are not receiving the kind of quality education that permits a seamless transition to a job or postsecondary education.

Fortunately, research is available to help us better understand the factors behind low graduation rates and poor student performance in high school. We can use research-based tools to identify the high schools that are producing the majority of dropouts across the country. These high schools, roughly 2,000 in all, or 15 percent of all high schools, have persistently low rates of grade promotion and graduation. If you look at the typical senior class at one of these high schools, it will have decreased in size by at least 40 percent since these students entered the school 4 years earlier.

Research has also shed light on the specific risk factors that predict who will drop out of high school. We can identify future dropouts with a high degree of certainty by looking at such predictors as course failure, poor attendance, behavior problems, and retention in earlier grades. Students who enter high school significantly lagging behind in their academics and who show clear signs of disengagement are likely to drop out unless additional supports are put in place.

Research-based solutions, with solid evidence of success, are transforming high schools with low graduation rates. Restructuring schools into smaller, more personalized learning environments ensures that students become engaged from the time they enter 9th grade. Sustained efforts to boost attendance ensure that they don't fall further behind. Partnerships with community-based and education organizations help facilitate successful school transformations.

Schools that have combined these efforts with high-quality curriculum and instructional improvements have been successful in improving student achievement and increasing graduation rates: transitional math and English to 9th graders helps them catch up; challenging curricula and tangible, contextual applications of learning rekindle their interest; and teaching teams and professional development targeted to the needs of the school bolster teachers' effectiveness in identifying, managing, and engaging students at risk of dropping out. In combination, these interventions are proven to improve student achievement and increase graduation rates.

In essence, we know which schools have the highest dropout rates; we know the risk factors that predict to a high degree of certainty which students will drop out; and we know which sets of interventions work to turn around failing schools and failing students. The task before us is to partner with states and local school districts to enhance and expand these efforts. By appropriately extending its education focus to include the needs of students in middle and high schools, the Federal Government can move the nation from "no child left behind" to "every student a graduate."

To meet this critical goal, I am introducing, along with my colleagues

Senators REID, DODD, MURRAY, REED, BROWN, CASEY, MERKLEY, and FRANKEN, the Graduation Promise Act of 2009.

The Graduation Promise Act will help build state and local capacity for secondary school improvement by providing states and local school districts with resources to identify and target high schools with the greatest needs. GPA recognizes that high school reform needs to start with experts on the ground—in the states and local districts where struggling high schools exist.

It also recognizes that reform efforts must be targeted to address the unique challenges each school faces in raising achievement and graduation levels. As such, GPA would provide resources to states to establish differentiated high school improvement systems and ensure that locally-driven school improvement actions are based upon the amount and type of supports necessary to turn such schools around.

In order to be eligible to receive funds to implement these school improvement plans, local school districts would work with the school improvement teams to assess the capacity of the high school to implement the plan, as well as identify the existing resources available to the district and the school. These assessments would be used to determine the amount of resources and technical assistance needed to successfully implement the high school improvement plan.

GPA also emphasizes transparency and accountability. Both state applications and local school improvement plans would be subject to a rigorous peer-review process. Schools needing targeted interventions, whole school reform, or replacement would be required to meet measurable and meaningful benchmarks of improvement.

The cost of raising student performance and graduation rates at our chronically underperforming high schools is considerable, yet it is a necessary investment in our Nation's future economic strength. The Graduation Promise Act authorizes \$2.5 billion per year to meet this challenge, with the bulk of funding directed to states and local school districts to help turn around the high schools with the lowest student achievement and lowest graduation rates.

I submit that we cannot afford to let struggling high schools continue to push students off the path to prosperity. We must ensure the continued prosperity of our country by promising each high school student a chance to gain the skills and knowledge necessary to pursue their dreams and succeed.

I want to thank my Senate cosponsors for their commitment to improving high schools and increasing graduation rates in this country, and I am pleased to be working with them and other Senate colleagues on this legislation.

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. 1698

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Graduation Promise Act of 2009".

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

**TITLE I—HIGH SCHOOL IMPROVEMENT AND DROPOUT REDUCTION FUND**

Sec. 101. Findings.

Sec. 102. Purposes.

Sec. 103. Definitions.

Sec. 104. Grants authorized.

Sec. 105. Secretarial peer review and approval.

Sec. 106. State plan to develop differentiated high school improvement system.

Sec. 107. Use of grant funds.

Sec. 108. Statewide differentiated high school improvement system.

Sec. 109. Subgrants to local educational agencies.

Sec. 110. Local educational agency implementation of school improvement system.

Sec. 111. School improvement activities.

Sec. 112. Evaluation and reporting.

Sec. 113. Authorization of appropriations.

**TITLE II—DEVELOPMENT OF EFFECTIVE SCHOOL MODELS**

Sec. 201. Purposes.

Sec. 202. Definitions.

Sec. 203. Grants authorized.

Sec. 204. Application.

Sec. 205. Secretarial peer review and approval.

Sec. 206. Use of funds.

Sec. 207. Evaluation and reporting.

Sec. 208. Authorization of appropriations.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) IN GENERAL.—The terms "distance learning", "educational service agency", "highly qualified", "local educational agency", "secondary school", and "State educational agency" have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) GRADUATION RATE.—The term "graduation rate" has the meaning given the term in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)), as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations.

(3) HIGH SCHOOL.—The term "high school" means a secondary school in which the—

(A) entering grade of the school is not lower than grade 6; and

(B) highest grade of the school is—

(i) grade 12; or

(ii) in the case of a secondary school approved by a State to issue a regular diploma concurrently with a postsecondary degree or with not more than 2 years' worth of postsecondary academic credit, grade 13.

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) SECRETARY.—The term "Secretary" means the Secretary of Education.

(6) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

**TITLE I—HIGH SCHOOL IMPROVEMENT  
AND DROPOUT REDUCTION FUND**

**SEC. 101. FINDINGS.**

The Senate finds the following:

(1) About a third of our Nation's high school students fail to graduate in 4 years, and another third graduate without the skills and knowledge needed to succeed in college or the workplace. The outcomes for minority students are even worse: only 50 percent of American Indian, 51 percent of Black, and about 55 percent of Hispanic students graduate on time, compared to 76 percent of white students.

(2) Approximately half of the Nation's dropouts attend a school where 40 percent or more of the freshman class has dropped out by the time the students reach their senior year. These schools, which are located in nearly every State, disproportionately serve minority and poor students, and have fewer resources and less qualified teachers than schools in more affluent neighborhoods. Almost half of African American students and nearly 40 percent of Latino students—compared to only 11 percent of white students—attend high schools in which graduation is not the norm.

(3) A high school diploma is increasingly important for success in the 21st century economy. In fact, nearly 90 percent of the fastest-growing, highest-paying jobs require some sort of education beyond high school.

(4) For decades, Federal funding has largely been spent on prekindergarten through grade 6 education and higher education, with dramatically less given the middle and high school grades. While children in their early years must build a strong foundation for learning, research also clearly demonstrates the need to continue the investment at each stage of the education process or risk losing much of the benefit of the early effort.

(5) High schools receive only 10 percent of funds under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), leaving millions of title I eligible, high school students in low-performing schools without the focused support, external assistance, and resources for improvement that title I was created to provide. Because title I funds serve as the trigger for school improvement requirements in the Elementary and Secondary Education Act of 1965, this also means that most low-income, low-performing high schools are not required to (or supported to) implement school improvement activities.

(6) While the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) includes a strong focus on identifying low-performing schools, America still needs a comprehensive strategy to support and improve chronically low-performing schools and local educational agencies. School improvement strategies should be tailored based on a variety of indicators and data, so that educators can create and implement successful school improvement strategies to address the needs of the individual schools.

(7) Most local educational agencies and State educational agencies do not necessarily have the capacity or infrastructure to guide, support, and fund school improvement strategies where they are needed, but good models for turning around low-performing high schools do exist. Federal support should be used to build this capacity based on evidence from successful high schools.

(8) If the Nation is to maintain and increase its competitiveness in the global economy, it must invest in a systemic approach to improving its high schools so that every child graduates from high school prepared for success.

**SEC. 102. PURPOSES.**

The purposes of this title are to—

(1) improve high school student academic achievement and graduation rates and prepare all students for postsecondary education and the workforce;

(2) help States and local educational agencies develop high school improvement systems to deliver support and technical assistance to high schools identified for whole school reform or replacement, as described in clause (ii) and (iii) of section 106(b)(2)(B);

(3) ensure students graduate from high school with the education and skills necessary to compete in a global economy; and

(4) help build the capacity to develop and implement research-based, sustainable, and replicable high school improvement models and interventions that are for high schools in whole school reform and replacement and that engage the whole community.

**SEC. 103. DEFINITIONS.**

In this title:

(1) **ADEQUATE YEARLY PROGRESS.**—The term “adequate yearly progress” has the meaning given the term in section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)).

(2) **EXTERNAL PARTNER.**—The term “external partner” means an entity—

(A) that is an organization such as a non-profit organization, community-based organization, local education fund, service organization, educational service agency, or institution of higher education; and

(B) that has demonstrated expertise and effectiveness in providing targeted support such as data analysis, professional development, or provision of nonacademic support and integrated student services to local educational agencies, schools, or students that leads to improved teaching, learning, and outcomes for students, including for those students who are failing to make sufficient progress to graduate in the standard amount of years or who have dropped out of high school.

(3) **LOW-INCOME LOCAL EDUCATIONAL AGENCY.**—The term “low-income local educational agency” means a local educational agency in which not less than 15 percent of the students served by such agency are from families with incomes below the poverty line.

(4) **MIDDLE GRADES.**—The term “middle grades” means any of grades 5 through 8.

(5) **POVERTY LINE.**—The term “poverty line” means the poverty line described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902), applicable to a family of the size involved.

(6) **SECONDARY SCHOOL REFORM PARTNER.**—The term “secondary school reform partner” means an organization, such as a school reform organization, community-based organization, local education fund, educational service agency, or institution of higher education, with expertise in analyzing school performance data and a track record of success in improving student achievement and graduation rates in low-performing high schools.

**SEC. 104. GRANTS AUTHORIZED.**

(a) **IN GENERAL.**—The Secretary is authorized to make grants, through allotments under subsection (b), to State educational agencies with approved State plans that will—

(1) improve student achievement and graduation rates; and

(2) effectively target resources and technical assistance to high schools in whole school reform or replacement, as described in clause (ii) or (iii) of section 106(b)(2)(B).

(b) **DETERMINATION OF ALLOTMENTS.**—

(1) **RESERVATION OF FUNDS.**—From the total amount appropriated under section 113, the Secretary shall reserve not more than—

(A) the lesser of 3 percent or \$50,000,000, to—

(i) provide technical assistance and ongoing regional training programs that are equitably distributed—

(I) among the different geographic regions of the United States; and

(II) among State and local educational agencies serving urban and rural areas;

(ii) evaluate activities authorized under this title in order to determine the most effective strategies for improving student achievement and outcomes for students attending high schools identified for targeted intervention, whole school reform, or replacement under section 106(b)(2); and

(iii) disseminate the findings of such evaluations;

(B) the lesser of 4 percent or \$75,000,000, to build the capacity of secondary school reform partners and external partners to provide services under this Act that benefit high schools and support the development or enhancement of research-based whole secondary school reform or new secondary school models, of which not less than 35 percent of such reserved funds shall be awarded, on a competitive basis, to secondary school reform partners or external partners that will provide services under this Act that benefit high schools designated with a school locale code of Fringe Rural (41), Distant Rural (42), or Remote Rural (43), as determined by the Secretary; and

(C) 2 percent to the Secretary of the Interior, to enable the Secretary to carry out the purposes of this Act for schools operated or funded by the Bureau of Indian Affairs.

(2) **STATE ALLOTMENT.**—From the total amount appropriated under section 113 for a fiscal year and not reserved under paragraph (1), the Secretary shall make allotments as follows:

(A) **LOW-INCOME LOCAL EDUCATIONAL AGENCIES.**—From such amount, the Secretary shall allot to each State an amount that bears the same ratio to 50 percent of the sums being allotted as the percentage of students enrolled in schools served by low-income local educational agencies in the State bears to the total of such percentages for all the States.

(B) **LOWEST GRADUATION RATE CALCULATION.**—From such amount, the Secretary shall allot to each State for which the graduation rate is within the lowest one-third of the graduation rates for all States, an amount that bears the same ratio to 25 percent of the sums being allotted as the number of students enrolled in high schools in the State bears to the total of such students in all of such States with the lowest one-third graduation rates.

(C) **MIDDLE GRADUATION RATE CALCULATION.**—From such amount, the Secretary shall allot to each State for which the graduation rate is within the middle one-third of the graduation rates for all States, an amount that bears the same ratio to 15 percent of the sums being allotted as the number of students enrolled in high schools in the State bears to the total of such students in all of such States within the middle one-third graduation rates.

(D) **HIGHEST GRADUATION RATE CALCULATION.**—From such amount, the Secretary shall allot to each State for which the graduation rate is within the highest one-third of the graduation rates for all States, an amount that bears the same ratio to 10 percent of the sums being allotted as the number of students enrolled in high schools in the State bears to the total of such students in all of such States within the highest one-third graduation rates.

(3) **REALLOTMENT.**—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallocate the amount of the allotment to the

remaining States in accordance with this subsection.

(4) USING FIRST-YEAR DATA.—In calculating allotments under this subsection for the second and each subsequent year of the grant period, the Secretary shall use the data relating to low-income local educational agencies and graduation rates used for the first year of the grant period.

(5) HOLD HARMLESS.—Notwithstanding any other provision of this subsection but subject to paragraph (6), no State shall receive an allotment under this section for a fiscal year in an amount that is less than the amount the State received under this section for the first fiscal year of the grant period.

(6) RATABLY REDUCTION.—If the amount appropriated in a fiscal year is not sufficient to pay the minimum allotments to all eligible institutions under paragraph (5), the amount of the minimum allotment to each such eligible institution shall be ratably reduced.

(c) SUPPLEMENT, NOT SUPPLANT.—A State educational agency that receives a grant under this title shall use the grant funds to supplement, and not supplant, Federal and non-Federal funds available to high schools.

(d) MATCHING FUNDS.—A State educational agency that receives a grant under this section shall provide matching funds, from non-Federal sources, in an amount equal to 25 percent of the amount of grant funds provided to the State to carry out the activities supported by the grant. Such matching funds may be provided in cash or in-kind, except that—

(1) not more than 10 percent of the amount of grant funds may be provided through in-kind contributions; and

(2) any in-kind contributions shall be directed toward supporting the State educational agency's technical assistance efforts or the operation of the State's differentiated high school improvement system under section 106.

#### SEC. 105. SECRETARIAL PEER REVIEW AND APPROVAL.

(a) IN GENERAL.—The Secretary shall—

(1) establish a peer-review process to assist in the review and approval of State plans;

(2) appoint individuals to the peer-review process who are educators and experts in educational standards, assessments, accountability, high school improvement, dropout prevention, academic needs of English language learners, and other educational needs of high school students;

(3) approve a State plan submitted under this title not later than 120 days after the date of the submission of the plan unless the Secretary determines that the plan does not meet the requirements of this title;

(4) if the Secretary determines that the State plan does not meet the requirements of this title, immediately notify the State of such determination and the reasons for such determination;

(5) if the Secretary determines that the State does not have the capacity to carry out the school improvement activities described in sections 106(b)(2) and 108, offer technical assistance to carry out such activities for States directly or through contracts with secondary school reform partners;

(6) not deny a State's plan before—

(A) offering the State an opportunity to revise the State's plan;

(B) providing the State with technical assistance in order to submit a successful plan; and

(C) providing the State an opportunity for a hearing or accepting input from the State; and

(7) have the authority to deny a State plan for not meeting the requirements of this title.

(b) ACCURACY.—In approving a State plan, the Secretary shall ensure that—

(1) the process the State educational agency proposes for differentiating school improvement actions under sections 106(b)(2) and 108, which process will assign high schools to each of the school improvement categories described in section 106(b)(2) in such a way that accurately identifies the high school and leads to the implementation of the interventions necessary to meet the needs of the students attending the high school; and

(2) the annual growth targets proposed by the State educational agency under section 106(b)(3)(D) are meaningful and achievable, and demonstrate continuous and substantial progress.

#### SEC. 106. STATE PLAN TO DEVELOP DIFFERENTIATED HIGH SCHOOL IMPROVEMENT SYSTEM.

(a) IN GENERAL.—For a State to be eligible to receive a grant under this title, the State educational agency shall submit a plan to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

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

(1) SCHOOL IMPROVEMENT PROCESS.—The State educational agency shall describe how the State educational agency will use funds authorized under this title to establish or expand a statewide differentiated high school improvement system described in section 108.

(2) STATEWIDE DIFFERENTIATED HIGH SCHOOL IMPROVEMENT.—

(A) PROCESS OF DIFFERENTIATION.—The State educational agency shall describe how a data-driven process for categorizing high schools into the categories described in subparagraph (B) using—

(i) the indicators used to determine adequate yearly progress; and

(ii) data from the school performance indicators described in paragraph (3).

(B) DIFFERENTIATED HIGH SCHOOL IMPROVEMENT CATEGORIES.—The State educational agency shall describe how local educational agencies will use the process established under subparagraph (A) to categorize the high schools in the State that do not make adequate yearly progress for 2 consecutive years into one of the following school improvement categories:

(i) SCHOOLS NEEDING TARGETED INTERVENTIONS.—High schools whose performance on the school performance indicators described in paragraph (3) demonstrate a need for targeted interventions described in section 111(b) to improve student outcomes and make adequate yearly progress.

(ii) SCHOOLS NEEDING WHOLE SCHOOL REFORMS.—High schools whose performance on the school performance indicators demonstrate a need for comprehensive schoolwide reform described in section 111(c) to improve student outcomes and make adequate yearly progress.

(iii) SCHOOLS NEEDING REPLACEMENT.—High schools whose school performance indicators demonstrate a need for replacement, as described in section 111(d).

(C) SPECIAL RULE.—A State educational agency may propose in the plan under this section additional levels of differentiation within a particular school improvement category described in subparagraph (B) to further target and prioritize school needs and to align differentiation with the State's existing State accountability systems.

(D) DEMONSTRATION OF DEVELOPMENT.—The State shall demonstrate how the State plan was developed in consultation with a representative group of local educational agencies.

(E) CONTINUOUS IMPROVEMENT.—The State educational agency shall describe how the State educational agency will evaluate an-

nually the progress of high schools to ensure that each high school is making continuous and substantial improvement in accordance with the annual growth targets described in paragraph (3)(D) and consistent with the requirements described in section 111.

(F) AUTOMATIC DESIGNATION.—The process of categorization proposed by the State educational agency shall ensure that a high school shall be automatically identified as a school in need of whole school reform or as a school in need of replacement, if the high school has a graduation rate of 50 percent or less in the most recent year for which data are available.

(3) SCHOOL PERFORMANCE INDICATORS.—

(A) IN GENERAL.—The State educational agency shall define, in consultation with representatives from urban and rural local educational agencies in the State, a comprehensive set of school performance indicators that—

(i) shall be used, in addition to the indicators used to determine adequate yearly progress, to—

(I) analyze the performance of high schools in the State;

(II) determine the amount, intensity, and type of support each high school needs; and

(III) guide the school improvement process;

(ii) demonstrate whether a high school is making substantial and continuous progress toward the goal of graduating all of the school's students prepared for success in higher education and careers; and

(iii)(I) directly measure student achievement and advancement in high school; or

(II) have been demonstrated by research to have a direct impact on high school student achievement and advancement.

(B) CATEGORIES.—

(i) IN GENERAL.—The comprehensive set of school performance indicators required by subparagraph (A) shall include indicators of—

(I) high school student engagement and effort;

(II) student advancement;

(III) educator quality; and

(IV) academic learning.

(ii) INDICATORS OF HIGH SCHOOL STUDENT ENGAGEMENT AND EFFORT.—With respect to high school student engagement and effort, the indicators—

(I) shall include student attendance rates; and

(II) may include—

(aa) the percentage of student suspensions and expulsions;

(bb) surveys of high school student engagement and effort; or

(cc) other indicators of student engagement proposed by the State educational agency and approved by the Secretary as part of the peer review process described in section 105(a).

(iii) INDICATORS OF STUDENT ADVANCEMENT.—With respect to student achievement, the indicators—

(I) shall include—

(aa)(AA) student-earned on-time promotion rates from grade to grade for all grades in the high school; or

(BB) the percentage of students who have on-time credit accumulation at the end of each grade; and

(bb) the percentage of students—

(AA) failing a core, credit-bearing, English language arts, mathematics, or science course; or

(BB) failing 2 or more courses of any type; and

(II) may include—

(aa) measures of enrollment, retention, persistence, and degree attainment in two-year and four-year institutions of higher education;

(bb) measures of the employment success of students who graduated from the high school; or

(cc) other indicators of student advancement proposed by the State educational agency and approved by the Secretary as part of the peer review process described in section 105(a).

(iv) INDICATORS OF EDUCATOR QUALITY.—With respect to educator quality, the indicators—

(I) shall include—

(aa) measures of teacher attendance, vacancies, and turnover; and

(bb) the percentage of highly qualified teachers by grade level; and

(II) may include other indicators of educator quality proposed by the State educational agency and approved by the Secretary as part of the peer review process described in section 105(a).

(v) INDICATORS OF ACADEMIC LEARNING.—With respect to academic learning, the indicators—

(I) shall include—

(aa) the percentage of students taking a college-preparatory curriculum, which may include the percentage of students taking Advanced Placement courses, International Baccalaureate courses, or postsecondary courses for dual credit;

(bb) the percentage of students reaching proficiency on the State academic assessments in reading and mathematics required under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311), disaggregated by the categories of students identified in section 1111(b)(2)(C)(v) of such Act (20 U.S.C. 1111(b)(2)(C)(v)); and

(cc) student success on State or local educational agency end-of-course examinations or performance-based assessments with standardized scoring rubrics aligned to State standards, where such assessments are available; and

(II) may also include—

(aa) student achievement on college entrance and placement examinations such as the ACT or SAT, or Advanced Placement examinations; or

(bb) other indicators of academic learning proposed by the State educational agency and approved by the Secretary as part of the peer-review process described in section 105(a).

(C) DEMONSTRATION OF CAPACITY TO COLLECT AND REPORT INDICATORS.—The State educational agency shall demonstrate its capacity to collect, report, and use the indicators defined and used to meet the requirements of subparagraph (A), including through the use of a statewide longitudinal data system.

(D) ANNUAL GROWTH TARGETS.—The State educational agency shall set State annual growth targets that—

(i) include a goal and a minimum percentage of expected annual growth for each school performance indicator; and

(ii) demonstrate continuous and substantial progress toward the State-defined goal and making adequate yearly progress.

(4) DEMONSTRATION OF CAPACITY TO SUPPORT SYSTEM.—The State educational agency shall demonstrate capacity to support the statewide differentiated high school improvement system, which shall include, at a minimum, the following:

(A) SYSTEM ALIGNMENT.—

(i) ALIGNMENT WITH ACCOUNTABILITY SYSTEM.—The State shall demonstrate an alignment of the State accountability system described in section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)) and the school improvement system under section 1116(b) of such Act (20 U.S.C. 6316(b)) with the statewide dif-

ferentiated high school system described in section 108.

(ii) ADDITIONAL REQUIREMENTS.—The State educational agency shall demonstrate, if the State's statewide differentiated high school improvement system includes additional requirements not required under section 108, how such additional requirements will lead to improved student achievement and graduation rates and system alignment.

(iii) STRENGTHENING AND ALIGNING POLICIES.—The State educational agency shall demonstrate how the State educational agency will strengthen and align policies affecting—

(I) interventions in schools in whole school reform or replacement under clause (ii) or (iii) of paragraph (2)(B);

(II) new school development; and

(III) implementation of effective school improvement activities that address the education needs of high school students who are off-track or who have dropped out.

(B) DATA SYSTEMS.—The State educational agency shall demonstrate the State educational agency's use and support of a statewide longitudinal data system, including demonstrating—

(i) that such system exists, or is being developed, and includes the elements described in section 6401(e)(2)(D) of the America COMPETES Act (20 U.S.C. 9871(e)(2)(D)) and any additional elements described in section 14005(d)(3) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 283);

(ii) a commitment to the maintenance and growth of such system;

(iii) State policies that ensure the protection of personally identifiable information in such system and authorize such system to collect, share, and link data from multiple systems for the purposes of evaluations and continuous improvement;

(iv) governance structures to guide the collection, sharing and use of the data in such system; and

(v) that such system includes linkages between kindergarten through grade 12 data systems with early learning, postsecondary education, workforce, social services and other critical State agency data systems in order to achieve interoperability with systems in other States.

(C) CAPACITY AND TECHNICAL ASSISTANCE.—The State educational agency shall demonstrate how it will support the statewide differentiated high school improvement system, including—

(i) a description of the statewide system of support, including regional support services and how schools identified under this Act can utilize such supports to improve teaching, learning, and student outcomes;

(ii) a description of how the State educational agency will review, support, monitor, and provide technical support for local educational agency plans in accordance with paragraph (5);

(iii) a description of the State educational agency staffing structure that is designed to—

(I) carry out the activities described in clause (ii);

(II) assist local educational agency school improvement teams described in section 110(b)(2), including supporting local educational agencies and school officials in developing and implementing school improvement plans, including through the provision of resources, training and technical assistance; and

(III) coordinate services across other State agencies to streamline and improve support provided to schools identified as needing targeted intervention, whole school reform, or replacement under paragraph (2)(B);

(iv) a description of how the State educational agency will develop and identify school improvement planning tools for use by the local educational agencies and schools, such as needs assessments; and

(v) a description of how the State educational agency will ensure local educational agencies with high numbers of schools in whole school reform and replacement and such schools will be prioritized and targeted with support.

(D) INCREASING LOCAL CAPACITY FOR IMPROVEMENT.—The State educational agency shall demonstrate how the State educational agency will align its resources and policies to increase State and local capacity to ensure comprehensive support for schools identified as needing targeted intervention, whole school reform, or replacement under paragraph (2)(B), including how the State educational agency will—

(i) target resources, including resources from additional funding sources, to improve teacher and principal effectiveness in such schools including using data for decision-making;

(ii) leverage resources from other funding sources, such as school improvement funds, technology and data funds, and professional development funds;

(iii) provide local educational agencies with support in finding and utilizing secondary school reform partners and other external partners;

(iv) increase access to State and regional technical assistance services;

(v) ensure an equitable distribution of teachers and principals with a demonstrated record of improving student achievement and graduation rates among the schools in the State that are identified for targeted intervention, whole school reform, or replacement under paragraph (2)(B), particularly those schools in whole school reform or replacement, as compared to schools not identified under paragraph (2)(B);

(vi) ensure access to substantially equal educational funding (for each student in the State), such as through addressing per pupil expenditures or inter-district funding disparities;

(vii) support the development of effective school leaders for high schools identified for targeted intervention, whole school reform, or replacement under paragraph (2)(B);

(viii) assist local educational agencies in developing early warning indicator systems described in section 110(b)(6)(A); and

(ix) assist local educational agencies in developing education options as described in section 110(b)(6)(B).

(5) STATE REVIEW OF LOCAL EDUCATIONAL AGENCY PLANS.—

(A) REVIEW LOCAL EDUCATIONAL AGENCY PLANS.—The State educational agency shall describe how the State educational agency will collect and review high school improvement plans described in section 110(b)(4), including a description of—

(i) how the State educational agency will measure and ensure local educational agencies have the capacity to carry out such high school improvement plans;

(ii) how a local educational agency may propose additional levels of differentiation within a particular school improvement category described in paragraph (2)(B) that are aligned with the State accountability system under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)) and the local educational agency's school improvement system under section 1116(b) of such Act (20 U.S.C. 6316(b)) existing as of the time of the plan;

(iii) how the State educational agency will allow consortia of local educational agencies, particularly those in rural areas, to collaborate to develop and implement school improvement plans;

(iv) how the State educational agency will review plans with the assistance and advice of a peer review panel that includes educators and individuals who are experts in—

(I) educational standards, assessments, and accountability;

(II) high school improvement;

(III) dropout prevention, intervention, and recovery;

(IV) parental involvement; and

(V) other educational needs of high school students;

(v) how the State, in consultation with the peer review panel, shall ensure the local educational agency has identified the school improvement category described in section 106(b)(2) for each high school served by the local educational agency that did not make adequate yearly progress for 2 consecutive years in such a way that accurately identifies the high school and leads to the implementation of the interventions necessary to meet student needs;

(vi) how the State will provide local educational agencies the opportunity to revise high school improvement plans, including, if the State educational agency, in consultation with the peer review panel described in clause (iv), determines that the local educational agency's plan does not meet the requirements of this title—

(I) immediately notifying the local educational agency of such determination and the reasons for such determination; and

(II) offering the local educational agency an opportunity to revise the plan, and technical assistance for revising the plan; and

(vii) how the State will make the school improvement plans available to the public.

(B) ALLOCATION OF SUBGRANTS.—The State educational agency shall describe how it will award subgrants to local educational agencies consistent with section 109.

(C) MONITORING OF SCHOOL IMPROVEMENT PLANS.—The State educational agency shall describe how the State educational agency will review and monitor the implementation of high school improvement plans, including how the State will analyze the implementation of the high school improvement plans of high schools that do not meet the annual growth targets set in accordance with paragraph (3)(D) and defined in the school improvement plan described in section 110(b)(4).

(D) PROVIDING TECHNICAL ASSISTANCE.—The State educational agency shall describe how it will provide technical assistance to local educational agencies and high schools that need support to develop and to implement high school improvement plans described in section 110(b)(4) and improve graduation rates and student achievement, including through the use of secondary school reform partners, where appropriate.

(6) EVALUATION OF SUCCESS.—The State educational agency shall describe how, every 5 years, the State educational agency will evaluate how the activities assisted under this title have been successful in improving student achievement and outcomes of the cohort of students whose year of entry into high school was 4 years before the evaluation, including measurement of the State educational agency's effectiveness in carrying out the activities described in the application under this subsection.

#### SEC. 107. USE OF GRANT FUNDS.

A State educational agency that receives a grant under this title—

(1) shall reserve not more than 10 percent of the grant funds—

(A) to carry out the activities described in the State plan under section 106; and

(B) to establish or expand a statewide differentiated high school improvement system described in section 108; and

(2) shall use not less than 90 percent of the grant funds to make subgrants to local educational agencies in accordance with section 109.

#### SEC. 108. STATEWIDE DIFFERENTIATED HIGH SCHOOL IMPROVEMENT SYSTEM.

A Statewide differentiated high school improvement system shall be designed by the State educational agency to—

(1) use data to identify high schools for whole school reform or replacement, as described in clause (ii) or (iii) of section 106(b)(2)(B), within the State;

(2) differentiate school improvement actions under section 106(b)(2) based on the amount and type of supports necessary to improve student achievement and graduation rates in high schools within the State;

(3) provide resources to support the evidence-based activities that school improvement teams choose, based on school performance data, to carry out under section 111;

(4) target resources and support to those high schools in the State that are identified for whole school reform and replacement;

(5) ensure that each high school identified for targeted intervention, whole school reform, or replacement that is making progress on the State's school performance indicators described in section 106(b)(3) continues to implement effective school improvement strategies identified in the high school's school improvement plan;

(6) ensure that high schools identified for whole school reform or replacement making progress on the State's school performance indicators have the resources and supports necessary to improve high school graduation rates and student achievement;

(7) build the capacity of the State educational agency and local educational agencies to assist in improving student achievement and graduation rates in high schools identified for whole school reform and replacement; and

(8) ensure that high schools identified for whole school reform and replacement making progress on school performance indicators continue to have the resources and support necessary to further improve high school graduation rates and student achievement.

#### SEC. 109. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) AWARD BASIS.—

(1) PRIORITY OF WHOLE SCHOOL REFORM AND REPLACEMENT.—In awarding subgrants under this section, a State educational agency shall—

(A) before awarding any subgrants to local educational agencies serving high schools identified for targeted intervention under section 106(b)(2), award subgrants to, on a competitive basis, local educational agencies serving high schools identified as needing whole school reform and replacement; and

(B) ensure that each subgrant awarded to a local educational agency provides funding adequate to fulfill the school improvement needs outlined in the local educational agency's school plan, as approved by the State educational agency.

(2) TARGETED INTERVENTIONS.—If subgrant funds remain after the application of subsection (a), then the State educational agency shall award remaining subgrant funds to local educational agencies serving high schools needing targeted interventions.

(3) COMPETITIVE BASIS.—A State educational agency that receives a grant under this title shall award subgrants, in accordance with subsections (a) and (b), to local educational agencies on the basis of—

(A) the quality of the school improvement plan to improve student graduation rates

and student achievement in high schools that have not made adequate yearly progress for 2 consecutive years;

(B) the capacity of the local educational agency to implement the plan; and

(C) the need of the local educational agency, based on student high school graduation rates and the percentage of students from families with incomes below the poverty line.

(b) APPLICATION.—

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

(2) CONTENTS.—Each application submitted under this subsection shall include—

(A) a description, for each high school identified pursuant to section 110(b)(1), of how the local educational agency will carry out activities described in section 111 for the high school;

(B) a description of the local educational agency staffing structure that is designed to—

(i) carry out the activities described in section 110(a);

(ii) assist school improvement teams, including supporting local educational agency and school officials in developing and implementing high school improvement plans, by providing resources, training, and technical assistance, and through other means; and

(iii) coordinate services across other governmental agencies and nongovernmental organizations to streamline and improve support provided to schools identified for a school improvement category described in section 106(b)(2);

(C) a description of the policies and procedures the local educational agency shall implement to ensure the distribution and assignment of high-quality teachers and leaders in a manner that first fulfills the needs of the schools identified as needing targeted intervention, whole school reform, or replacement;

(D) an assurance that the local educational agency will use subgrant funds under this title first to meet the needs of high schools served by the local educational agency that are identified for whole school reform or replacement under clause (ii) or (iii) of section 106(b)(2);

(E) an assurance that the local educational agency shall provide ongoing support and resources to high schools identified for whole school reform or replacement, and are making progress on the State's school performance indicators described in section 106(b)(3), to ensure continued improvement;

(F) a description of how the local educational agency will increase its capacity to improve high schools with low student achievement and graduation rates; and

(G) an assurance that the local educational agency will conduct the capacity and needs assessment required under subsection (b)(9) and provide the results of the assessment to the State educational agency and the Secretary.

(3) USE OF DATA.—The local educational agency shall describe how data will be used, consistent with the requirements of this section, to inform the classification of high schools, and development and implementation of school improvement plans, including that data described in section 110(b)(1)(A).

(c) SUPPLEMENT, NOT SUPPLANT.—A local educational agency that receives a subgrant under this section shall use the subgrant funds to supplement, and not supplant, other Federal and non-Federal funds available for high schools served by the local educational agency.

## (d) MATCHING FUNDS.—

(1) IN GENERAL.—A local educational agency receiving a subgrant under this section shall provide matching funds, from non-Federal sources, in an amount equal to not less than 15 percent of the total subgrant award for the local educational agency, which may be provided in cash or in-kind.

(2) USE OF MATCHING FUNDS.—The matching funds shall be used to provide technical assistance to high schools served by the local educational agency in—

(A) developing the high schools' high school improvement plans described in section 110(b)(4);

(B) conducting the capacity and needs assessments described in section 110(b)(9); and

(C) implementing and monitoring the implementation of the high school improvement plans.

(3) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for a local educational agency if the Secretary determines that applying the matching requirement to such local educational agency would result in serious hardship or an inability to carry out the authorized activities described in section 111.

**SEC. 110. LOCAL EDUCATIONAL AGENCY IMPLEMENTATION OF SCHOOL IMPROVEMENT SYSTEM.**

(a) DISTRICT-WIDE HIGH SCHOOL IMPROVEMENT.—A local educational agency that receives a subgrant under section 109 shall use subgrant funds to develop, lead, and implement a district-wide approach to high school improvement that meets the requirements of subsection (b) and carry out the activities described in section 111.

## (b) SYSTEM REQUIREMENTS.—

(1) DIFFERENTIATE HIGH SCHOOLS.—The local educational agency shall—

(A) identify the category of high school improvement, as described in section 106(b)(2), using data from the school performance indicators as prescribed by the State educational agency in accordance with section 106(b), for each high school served by such agency that does not make adequate yearly progress for 2 consecutive years; and

(B) publicly identify such schools by school improvement category.

## (2) SCHOOL IMPROVEMENT TEAMS.—

(A) IN GENERAL.—The local educational agency shall convene a school improvement team for each high school served by such agency that is assigned to one of the school improvement categories described in section 106(b)(2).

## (B) MEMBERS.—

(1) MANDATORY MEMBERS.—The school improvement team for a high school shall include—

(I) the principal of the high school;

(II) at least 2 teachers from the high school representing different grade levels or disciplines; and

(III) local educational agency staff.

(ii) ADDITIONAL MEMBERS.—The school improvement team for a high school shall include at least one of the following:

(I) A parent of a student in the high school.

(II) A community representative, such as a representative of nonprofit organizations serving young people and the business community.

(III) A pupil service representative.

(IV) In the case of a school in whole school reform or replacement, secondary school reform partners.

(iii) OPTIONAL MEMBERS.—The school improvement team for a high school may include State educational agency staff, if requested by the local educational agency or assigned by the State educational agency.

(C) COLLABORATION.—The local educational agency shall ensure collaboration—

(i) of school improvement teams with personnel of middle grades schools served by the local educational agency whose students will attend high schools that are identified for one of the categories described in section 106(b)(2), to the extent appropriate; and

(ii) among or between school improvement teams at schools assigned to one of the school improvement categories and school leadership and other personnel at schools served by the local educational agency that have made adequate yearly progress.

(3) USE OF DATA.—Consistent with the requirements of this section, the local educational agency shall use, at minimum, data on the following to inform the classification of high schools:

(A) School performance indicators described in section 106(b)(3).

(B) Indicators used to determine adequate yearly progress.

(C) Information about incoming students in the initial grade of the high school.

(D) Information about the student population, including data provided through the early warning indicator system described in paragraph (6)(A).

(E) The schools' capacity and needs, as described in paragraph (9).

(4) DEVELOP HIGH SCHOOL IMPROVEMENT PLANS.—The school improvement team convened under paragraph (2) for each school shall use the data described in paragraph (3), and other relevant data and knowledge regarding the school, to develop a multiyear school improvement plan. Such plan shall—

(A) identify the school annual growth targets for the State's school performance indicators described in section 106(b)(3) that meet or exceed the State's annual growth targets described in such section;

(B) define the evidence-based academic and nonacademic interventions and resources necessary to meet the school annual growth targets and make adequate yearly progress;

(C) identify the roles of the State educational agency, the local educational agency, the school, and secondary school reform partners and other external partners, as appropriate, in providing such interventions and the resources necessary to meet the school annual growth targets and make adequate yearly progress;

(D) provide for the involvement of business and community organizations and other entities, including parents and institutions of higher education, in the activities to be assisted under the subgrant;

(E) describe and direct the use of—

(i) any additional funding to be provided by the State educational agency, the local educational agency, or other sources to support activities carried out under this title; and

(ii) in the case of a high school identified for whole school reform or replacement, secondary school reform partners and external partners.

(5) IMPLEMENT HIGH SCHOOL IMPROVEMENT.—The local educational agency shall use funds to—

(A) engage in a planning period of not longer than 180 days to prepare to implement the school improvement plan for each high school, including preparation activities such as—

(i) creating a skilled leadership team and providing professional development in best practice and successful school models that educate similar student populations;

(ii) working with secondary school reform partners to identify roles and responsibilities to create a comprehensive approach and effort to implementing the school improvement plan for each school identified for targeted intervention, whole school improvement, or replacement;

(iii) planning and providing professional development to high school teachers in in-

struction, use of data, and working in the identified schools;

(iv) appropriately identifying teachers for each grade and course;

(v) establishing and implementing use of the early warning indicator system described in paragraph (6)(A); and

(vi) establishing a school schedule that enables the implementation of the high school improvement plan; and

(B) ensure the implementation of the high school improvement plans for the high schools identified for one of the categories described in section 106(b)(2).

(6) IMPLEMENT DISTRICT-WIDE ACTIVITIES.—The local educational agency shall support successful implementation of high school improvement plans and district-wide improvement through—

(A) establishing an early warning indicator system to identify students who are at risk of dropping out of high school and to guide preventive and recuperative school improvement strategies, including—

(i) identifying and analyzing the academic risk factors that most reliably predict dropouts, such as by using longitudinal data of past cohorts of students;

(ii) identifying specific indicators of student progress and performance, such as attendance, academic performance in core courses, and credit accumulation, to guide decisionmaking;

(iii) identifying or developing a mechanism for regularly collecting and analyzing data about the impact of interventions on the indicators of student progress and performance; and

(iv) analyzing academic indicators to determine whether students are on track to graduate secondary school in the standard number of years;

(B) providing academically rigorous education options that lead to a secondary school diploma consistent with readiness for postsecondary education and the workforce, based on an analysis of data described in paragraph (3) and other student-level data and designed to meet the students' needs and interests, such as—

(i) effective research-based dropout prevention, credit and dropout recovery, and recuperative education programs for students who are not making sufficient progress to graduate high school in the standard number of years or have dropped out of high school;

(ii) providing students with post-secondary learning opportunities, such as through access to a relevant curriculum or course of study that enables a student to earn a secondary school diploma and—

(I) an associate's degree; or

(II) not more than 2 years of transferable credit toward a postsecondary degree or credential;

(iii) combining rigorous academic education with career training, including training that leads to postsecondary credentials, for students;

(iv) increasing access to Advanced Placement or International Baccalaureate courses and examinations; or

(v) developing and utilizing innovative, high quality distance learning strategies to improve student academic achievement;

(C) providing targeted research-based interventions for middle schools that feed into the high schools identified by the local educational agency as needing whole school reform or replacement;

(D) identifying and implement strategies for pairing academic support with integrated student services and case-managed interventions for students requiring intensive supports, which may include partnership with other external partners;

(E) providing technical assistance to high schools identified for 1 of the categories described in section 106(b)(2) through—

(i) streamlining and prioritizing resources to organize support for schools in whole school reform or replacement, such as through identifying and developing categories or clusters of schools with similar school improvement needs; and

(ii) assisting schools in identifying secondary school reform partners and other external partners; and

(F) supporting the use of data to improve teaching and learning, including—

(i) improving longitudinal student data systems;

(ii) regularly analyzing and communicating data to educators, parents, and students that they can use; and

(iii) building principals' and teachers' data and assessment literacy.

(7) ENSURE CONTINUOUS HIGH SCHOOL IMPROVEMENT.—

(A) IN GENERAL.—The local educational agency shall ensure the continuous improvement of high schools by—

(i) evaluating the progress of each high school in making continuous and substantial progress based on the high school's annual growth targets identified under paragraph (4) for the school; and

(ii) determining the high school's progress and taking appropriate actions, as provided in subparagraphs (B) and (C).

(B) ON TRACK.—Each high school that is meeting the school's annual growth targets identified in the high school improvement plan for the high school, shall continue to implement school improvement activities in accordance with the high school improvement plan.

(C) NOT ON TRACK.—

(i) ANNUAL REVIEW.—For each high school that is not meeting the high school's annual growth targets, the local educational agency shall—

(I) after the first year that the high school fails to meet the high school's annual growth targets, review the high school improvement plan and develop and implement a new plan; and

(II) after the high school fails to meet the high school's annual growth targets for 2 or more consecutive years, reclassify the school as a school in need of whole school reform or replacement, as appropriate based on the State educational agency's categorization system described in section 106(b)(2).

(ii) RESUBMISSION OF SCHOOL PLAN.—For each high school that fails to meet the high school's annual growth targets for 2 or more consecutive years, the local educational agency may develop and submit to the State educational agency for review a new school improvement plan, as the local educational agency determines appropriate.

(8) ASSURANCES.—The local educational agency shall ensure that high schools receiving additional students due to other high schools being replaced under subsection (c) will have sufficient capacity, resources, and funding to deliver a high quality education to all students.

(9) CAPACITY AND NEEDS ASSESSMENT.—

(A) IN GENERAL.—Each school improvement team described in subsection (b)(2) and the local educational agency shall conduct a high school capacity and needs assessment for the high school served by the team that includes—

(i) a description and analysis of the high school's capacity to implement the school improvement activities identified in the high school improvement plan, including an analysis of—

(I) the number, experience, training level, responsibilities, and stability of existing ad-

ministrative, instructional, and noninstructional staff for the high school; and

(II) a review of the budget, including how Federal, State, and local funds are being spent, as of the time of the assessment, for instruction and operations at the school level for staff salaries, instructional materials, professional development, and student support services, in order to establish the extent to which existing resources need to and can be reallocated to support the needed school improvement activities;

(iii) additional resources and staff necessary to implement the school improvement activities identified in the high school improvement plan; and

(iv) an analysis of the local educational agency's capacity to provide technical assistance, additional staff, and resources to implement the high school improvement plan and to improve the high school's performance.

(B) ASSESSMENT REQUIREMENTS.—A local educational agency shall use the information provided in the capacity and needs assessment for a high school, in coordination with the high school's school improvement plan and the understanding of the reform history of high schools, to—

(i) determine the level and direct the use of—

(I) the funds requested by the local educational agency for the high school under the subgrant under this section; and

(II) any additional funding to be provided by the State educational agency, the local educational agency, or other sources; and

(ii) to determine the number and direct the use of secondary school reform partners and external partners.

(C) TECHNICAL ASSISTANCE.—A local educational agency may request technical assistance from the State educational agency in preparing the plan and the capacity and needs assessment required under this paragraph.

(c) AUTHORITY TO INTERVENE.—The State educational agency may intervene to develop or implement the high school improvement plans, or enter into contracts with secondary school reform partners to assist local educational agencies with the development and implementation of high school improvement plans, if the State educational agency determines that—

(1) a local educational agency serving a high school in whole school reform or replacement has not submitted an application described in section 109(b); or

(2) a local educational agency does not have the capacity to implement the school improvement activities described in the school improvement plan submitted under subsection (b)(4).

#### SEC. 111. SCHOOL IMPROVEMENT ACTIVITIES.

(a) IN GENERAL.—The school improvement team described in section 110(b)(2) for each high school identified for a school improvement category described in section 106(b)(2) shall ensure that the school improvement activities included in the school improvement plan are implemented.

(b) TARGETED INTERVENTIONS.—A high school identified for targeted interventions under section 110(b)(1) or the local educational agency serving such high school, shall implement research-based targeted interventions, using data from the school performance indicators, the early warning indicator system, other student indicators, and the capacity and needs assessment for the high school. The targeted interventions shall be designed, at a minimum, to address the specific problems identified by the indicators, including the needs of students who are not making sufficient progress to graduate in the standard number of years.

(c) WHOLE SCHOOL REFORM.—The local educational agency or State educational agency, with technical assistance from secondary school reform partners, shall enable and assist each school identified as needing whole school reform pursuant to section 110(b)(1) to implement whole school reform based on scientifically valid research using the data described in section 110(b)(3). Such reform—

(1) shall address the comprehensive aspects of high school reform, including—

(A) schoolwide needs;

(B) students who need targeted assistance; and

(C) students who need intensive interventions, including those who are not making sufficient progress to graduate on time;

(2) shall address schoolwide factors to improve student achievement, including—

(A) setting high expectations and infusing relevance into learning for all students;

(B) personalizing the high school experience; and

(C) improving school climate, including student attendance and behavior;

(3) shall include activities that—

(A) ensure continuous improvement by—

(i) ensuring the school improvement plan is supported to the extent practicable by all school staff;

(ii) establishing clear—

(I) goals and growth targets for implementation outcomes; and

(II) school annual growth targets; and

(iii) regularly evaluating implementation of and fidelity to the high school improvement plan, such as dedicating a staff member to support implementation of the school improvement plan;

(B) organize the school to improve teaching and learning, including through—

(i) strategic use of time, such as—

(I) establishing common planning time for subject area teachers and interdisciplinary teams who share common groups of students;

(II) utilizing block scheduling or redesigning the school calendar year or day to create extended learning time in core subjects; or

(III) creating a flexible school period to address specific student academic needs and interests such as credit recovery, electives, or service learning;

(ii) alignment of resources to improvement goals, such as through ensuring that students in their initial year in the high school are taught by teachers prepared to meet their specific learning needs; and

(iii) development of effective leadership structures, supports, and clear decision-making processes, such as through developing distributive leadership and leadership teams;

(C) improve curriculum and instruction, including through—

(i) increasing access to rigorous and advanced coursework, including adoption and implementation of a college- and work-ready curriculum, and evidence-based, engaging instructional materials aligned with such a curriculum, for all students;

(ii) increasing access to contextualized learning opportunities aligned with readiness for postsecondary education and the workforce, such as—

(I) providing work-based, project-based, and service-learning opportunities; or

(II) providing a high quality, college preparatory curriculum in the context of a rigorous career and technical education core;

(iii) regularly collecting and using data to inform instruction, such as—

(I) through use of formative assessments;

(II) creating and using common grading rubrics; or

(III) identifying effective instructional approaches to meet student needs; and

(iv) emphasizing core skills instruction, such as literacy, across content areas;



(D) provide students with academic and social support to address individual student learning needs, including through—

(i) increasing personalization through learning structures that facilitate the development of student and staff relationships such as—

(I) implementing grade 9 academies or thematic smaller learning communities;

(II) establishing teams of teachers who work exclusively with small groups of students; or

(III) creating advisor positions to provide students with study, organizational, and social skills;

(ii) offering extended-learning, credit recovery, mentoring, or tutoring options of sufficient scale to meet student needs;

(iii) providing evidence-based accelerated learning for students with academic skill levels below grade level;

(iv) coordinating and increasing access to integrated services, such as providing additional counselors, social workers, and behavior and mental health providers to deliver such services; and

(v) providing graduation and postsecondary planning and transition supports, including college awareness and planning;

(E) increase teacher and school leader effectiveness, including through—

(i) professional development activities that respond to student and schoolwide needs as identified through the data described in section 110(b)(3), such as—

(I) training teachers, leaders, and administrators together with staff from high schools making adequate yearly progress that serve similar populations and in such schools; and

(II) establishing peer learning and coaching among teachers; and

(ii) facilitating collaboration, including through professional communities across subject area and interdisciplinary groups and similar high schools; and

(F) engage families and community partners, including community-based organizations, organizations assisting parent involvement, institutions of higher education, and industry, in school improvement activities through evidence-based strategies; and

(4) may include—

(A) providing enabling policies, such as additional flexibility regarding staffing and compensation, budgeting, student credit attainment, or use of school time, that support the implementation of effective school improvement activities and educational options;

(B) implementing multiple school options or effective school models that address the needs of students who are not making sufficient progress to graduate in the standard number of years or have dropped out of high school, as informed by analysis of school performance indicator data described in section 106(b)(3) and early warning indicator system data described in section 110(b)(6)(A); and

(C) other activities designed to address whole school needs, such as implementing a comprehensive reform model for the high school.

(d) REPLACEMENT.—The local educational agency, in consultation with the State educational agency, secondary school reform partners, and external partners, shall replace each high school that, using data under section 110(b)(3), is identified for replacement pursuant to section 110(b)(1). The local educational agency shall ensure successful implementation of the replacement strategy through—

(1) closing and reopening the schools or implementing multiple school options or effective school models that address the needs of students in the replaced schools, including students who are not making sufficient

progress to graduate in the standard number of years or have dropped out of high school;

(2) providing enabling policies, such as additional flexibility regarding staffing and compensation, budgeting, or use of school time; and

(3) implementing activities described in subsection (c).

#### SEC. 112. EVALUATION AND REPORTING.

(a) LOCAL EDUCATIONAL AGENCY REPORTING.—On an annual basis, each local educational agency receiving a subgrant under section 109 shall report to the State educational agency and to the public on—

(1) the identified category of school improvement for each high school in the school that failed to make adequate yearly progress for the most recent 2 consecutive years;

(2) the school performance indicators (as described in section 106(b)(3)) for each such high school, in the aggregate and disaggregated by the subgroups described in section 111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

(3) each such high school's progress in meeting the high school's annual growth targets under section 110(b)(4)(A); and

(4) the use of funds by the local educational agency and each such school.

(b) STATE EDUCATIONAL AGENCY REPORTING.—On an annual basis, each State educational agency receiving a grant under this title shall prepare and submit to the Secretary, and make available to the public, a report on—

(1) the school performance indicators (as described in section 106(b)(3)) for each high school served by the State educational agency that receives assistance under this title, in the aggregate and disaggregated by the subgroups described in section 111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

(2) progress in meeting the annual growth targets under section 110(b)(4)(A) for each such high school;

(3) the high schools in the State that have changed school improvement categories pursuant to section 110(b)(7);

(4) the use of funds by each local educational agency and each school served by such funds;

(5) the State definition of a new school, for purposes of whole school reform or replacement;

(6) the number of schools closed for each local educational agency in the State;

(7) the number of new schools for each local educational agency in the State; and

(8) the new schools in the State that have made adequate yearly progress.

(c) REPORT TO CONGRESS.—Every 2 years, the Secretary shall prepare and submit to Congress and make available to the public—

(1) a summary of the State reports under subsection (b); and

(2) a report on the use of funds by each State under this title.

#### SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out the activities authorized under this title, \$2,440,000,000 for fiscal year 2011 and each of the 4 succeeding fiscal years.

### TITLE II—DEVELOPMENT OF EFFECTIVE SCHOOL MODELS

#### SEC. 201. PURPOSES.

The purposes of this title are—

(1) to facilitate the development and implementation of effective secondary school models for struggling students and dropouts in order to raise secondary school graduation rates and more effectively prepare students for postsecondary education and the workforce; and

(2) to build the capacity of State educational agencies, local educational agen-

cies, nonprofit organizations, and institutions of higher education to implement effective secondary school models for struggling students and dropouts.

#### SEC. 202. DEFINITIONS.

In this title:

(1) DROPOUT.—The term “dropout” means an individual who—

(A) is not older than 21;

(B) is not attending any school; and

(C) has not received a secondary school diploma or its recognized equivalent.

(2) EFFECTIVE SCHOOL MODEL.—The term “effective school model” means—

(A) an existing secondary school model with demonstrated effectiveness in improving student academic achievement and outcomes for off-track students or dropouts; or

(B) a proposed new secondary school model design that is based on research-based organizational and instructional practices for improving student academic achievement and outcomes for struggling students or dropouts.

(3) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a local educational agency, nonprofit organization, or institution of higher education—

(i) that proposes to enhance or expand an existing effective school model for off-track students or dropouts; or

(ii) that has a track record of serving struggling students or dropouts and proposes to develop a new effective school model for off-track students or dropouts; or

(B) a partnership involving 2 or more entities described in subparagraph (A).

(4) LATE ENTRANT ENGLISH LANGUAGE LEARNER.—The term “late entrant English language learner” means a high school student who—

(A) enters a school served by a local educational agency at grade 9 or higher; and

(B) is identified by the local educational agency as being limited English proficient and as having experienced interrupted formal education.

(5) STRUGGLING STUDENT.—The term “struggling student”—

(A) means a high school-aged student who is not making sufficient progress toward graduating from secondary school with a regular diploma in the standard number of years; and

(B) includes a student who—

(i) has been retained in grade level;

(ii) is an undercredited student; or

(iii) is a late entrant English language learner.

(6) UNDERCREDITED STUDENT.—The term “undercredited student” means a high school student who lacks either the necessary credits or courses, as determined by the relevant local educational agency and State educational agency, to graduate from secondary school with a regular diploma in the standard number of years.

#### SEC. 203. GRANTS AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop and implement, or replicate, effective school models for struggling students and dropouts.

(b) PERIOD OF GRANT.—A grant awarded under this section shall be for a period of 5 years.

#### SEC. 204. APPLICATION.

(a) IN GENERAL.—Each eligible entity desiring a grant under this title shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) CONTENTS.—Each application submitted under this section shall include a description of—

(1) how the eligible entity will carry out the mandatory activities under section 206(a);

(2) the research or evidence concerning the effective school model that the eligible entity proposes to develop and implement or replicate, including—

(A) for an existing effective school model described in section 202(2)(A), the evidence that the model has improved academic outcomes for struggling students or dropouts; or

(B) for a proposed effective school model described in section 202(2)(B), the research that supports the key organizational and instructional practices of the proposed effective school model;

(3) the eligible entity's school design elements and principles that will be used in the effective school model, including—

(A) the academic program;

(B) the instructional practices;

(C) the methods of assessment; and

(D) student supports and services, such as the supports and services provided by the school or offered by other organizations and agencies in the community, to support positive student academic achievement and outcomes;

(4) how the eligible entity will use student data from the local educational agency or State educational agency to evaluate and improve academic outcomes for struggling students or dropouts;

(5) for each school in which the eligible entity implements or replicates an effective school model under this title, how the eligibility entity will sustain the implementation or replication of the effective school model, including the financing mechanism to be used;

(6) how the eligible entity will collect data and information to assess the performance of the effective school model and will make necessary adjustments to ensure continuous and substantial improvement in student academic achievement and outcomes; and

(7) how the eligible entity will make the performance data available to State educational agencies, local educational agencies, and schools serving struggling students or dropouts.

#### SEC. 205. SECRETARIAL PEER REVIEW AND APPROVAL.

The Secretary shall—

(1) establish a peer-review process to assist in the review and approval of applications submitted by eligible entities under section 204; and

(2) appoint individuals to the peer-review process who are experts in high school reform, dropout prevention and recovery, new school development for struggling students and dropouts, and adolescent and academic development.

#### SEC. 206. USE OF FUNDS.

(a) MANDATORY USE OF FUNDS.—An eligible entity receiving a grant under this title shall use grant funds to—

(1) enhance and expand, or replicate an existing effective school model described in section 202(2)(A), or develop a proposed effective school model described in section 202(2)(B), for struggling students and dropouts;

(2) assess the progress of the implementation or replication of the effective school model and make necessary adjustments to ensure continuous improvement;

(3) provide opportunities for professional development associated with the continuous improvement and implementation or replication of the effective school model;

(4) collect data and information on the school model's effectiveness in improving student academic achievement and outcomes for struggling students and dropouts and disseminate such data and information to State

educational agencies, local educational agencies, and schools; and

(5) build the capacity of the eligible entity to—

(A) sustain the implementation or replication of the effective school model assisted under paragraph (1) after the grant period has ended; and

(B) replicate the effective school model.

(b) OPTIONAL USE OF FUNDS.—An eligible entity receiving a grant under this title may use grant funds—

(1) to identify and create partnerships needed to improve the academic achievement and outcomes of the students attending a school assisted under this title;

(2) to support family and community engagement in the effective school model; and

(3) to carry out any additional activities that the Secretary determines are within the purposes described in section 201.

#### SEC. 207. EVALUATION AND REPORTING.

(a) CONTENTS OF REPORT.—Each eligible entity receiving a grant under this title shall annually report to the Secretary on—

(1) the data and information being gathered to assess the effective school model's effectiveness in improving student academic achievement and outcomes for struggling students and dropouts;

(2) the implementation status of the models, any barriers to implementation, and actions taken to overcome the barriers;

(3) any professional development activities to build the capacity of—

(A) the eligible entity to sustain or replicate the effective school model; or

(B) the staff of a school assisted under this title to implement or improve the effective school model;

(4) the progress made in improving student academic achievement and outcomes in the effective school models for struggling students and dropouts; and

(5) the use of grant funds by the eligible entity.

(b) INDEPENDENT EVALUATIONS.—The Secretary shall reserve not more than \$5,000,000 to carry out an independent evaluation of the grant program under this title and the progress of the eligible entities receiving grants under this title.

#### SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$60,000,000 for fiscal year 2011 and each of the 4 succeeding fiscal years.

Mr. REID. Mr. President, I rise today with my friend Senator BINGAMAN, a longtime champion on the issue of dropout prevention and improving graduation rates, to introduce the Graduation Promise Act—comprehensive legislation to help improve graduation rates in this country and transform some of our lowest performing high schools. I am so pleased to be joined by Senators DODD, MURRAY, REED, BROWN, CASEY, MERKLEY, and FRANKEN in introducing this legislation.

During the August recess, I was honored to welcome the Education Secretary, Arne Duncan, to Nevada. We held a meeting with education leaders, teachers, students, parents, and other stakeholders from across Nevada to discuss the issue of dropout prevention and turning around low performing schools.

In his remarks, Secretary Duncan said something that really put the issue of high school dropouts in perspective. Four years ago, he said, there were 36,000 ninth graders in Nevada.

Last year, that same class of students, was down to 22,000 twelfth graders. Where, Secretary Duncan asked, did those other 14,000 students go?

Keeping those 14,000 Nevada students in school and on track to graduate from high school is why I have joined Senator BINGAMAN and my colleagues in this effort.

Of course this issue is not just a problem in Nevada; it is a nationwide crisis. Nearly one in three high school students in the U.S. fail to graduate. For African-American and Latino students, less than 50 percent complete high school on time. In total, approximately 1.3 million students drop out each year—that is more than 7,000 a day. For those that do graduate, fewer than half are fully prepared for college or the workforce.

These statistics confirm that millions of young Americans are being robbed of their best chances to succeed.

The social and economic implications of the dropout crisis are severe and lasting. Let me illustrate with data from Nevada's class of 2008—the 14,000 Nevada students that Secretary Duncan referred to—those who started school with the class of 2008 but did not graduate with their peers.

These students will cost the State's economy an estimated \$5 billion in lost wages over the course of their lifetimes. They will earn an average of almost \$10,000 less each year compared to their classmates who finished high school. They are also more likely to become parents before they are ready, become incarcerated, or need public assistance.

This fate is particularly true of students concentrated in those high schools where 60 percent or fewer of the entering freshmen actually graduate as seniors 4 years later. Research shows that there are currently about 2,000 high schools across the Nation that collectively produce almost half of America's dropouts. Year after year, students in these schools fall further and further behind.

Where the United States once ranked at or near the top among industrial democracies in high school graduation rates, today we are 19th. In today's global economy, a high school diploma is the minimum qualification needed for jobs in the fastest-growing sectors. This situation is not only economically untenable, it is morally unacceptable.

Tackling the dropout crisis requires a comprehensive solution. As this is a nationwide problem, it requires a more robust role for the federal government. Since the No Child Left Behind Act, federal support for education has increased significantly. Yet despite these additional resources, less than 10 percent of federal education funding goes to our nation's high schools.

The legislation we introduce today would provide that needed support to struggling high schools across the country. The Graduation Promise Act would authorize \$2.4 billion to create a "High School Improvement and Dropout Reduction Fund" in order to turn

around America's lowest performing high schools and ensure students graduate from high school ready for college or a career. The fund would support states and school districts as they develop comprehensive high school improvement systems.

In order to help those students who are most at risk of dropping out of school, federal resources would be directed to the lowest-performing schools. These resources would support proven school improvement activities and strategies based on each school's needs.

Schools across Nevada are already implementing proven strategies in the schools that need them the most—strategies like extending the school day or year; dividing large urban schools into smaller, more personal learning academies; expanding summer learning opportunities; or partnering schools with colleges and universities to allow high school students to take and receive credit for college-level courses.

At Valley High School in Las Vegas, the school that recently hosted Secretary Duncan, strategies like extended learning time, weekend and after-school enrichment, smaller learning communities, and magnet programs, turned the school around and will most certainly help more students graduate on time and ready for college or the workforce.

In the Clark County Schools District in southern Nevada, some of the most cutting-edge career and technical academies in the country have recently opened. These programs—in engineering and design, medical occupations and media communications—have been recognized for helping to increase graduation rates.

In northern Nevada, the Washoe County School District has teamed up with one of the local community colleges. The Truckee Meadows Community College High School now allows students to take a combination of college and high school courses, and they get credit on both levels. Not only do these students complete more challenging, college-level coursework, but they are laying the groundwork for success in college and the workforce.

The bottom line is that all of these strategies keep students engaged and help prevent them from dropping out. The Graduation Promise Act will allow schools to replicate these strategies so that all students can achieve their full potential. I hope my colleagues will join me in supporting this important bill.

By Mr. REED (for himself, Mr. KERRY, Mr. KOHL, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN, Mr. CASEY, Mr. WHITEHOUSE, and Mr. BURRIS):

S. 1699. A bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other

purposes; to the Committee on Finance.

Mr. REED. 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. 1699

*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 “Unemployment Compensation Extension Act of 2009”.

**SEC. 2. ADDITIONAL EMERGENCY UNEMPLOYMENT COMPENSATION.**

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

“(d) FURTHER ADDITIONAL EMERGENCY UNEMPLOYMENT COMPENSATION.—

“(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (c)(1) (hereinafter ‘additional emergency unemployment compensation’) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter ‘further additional emergency unemployment compensation’) equal to the lesser of—

“(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

“(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

“(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if such a period would then be in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970 if—

“(A) section 203(d) of such Act—

“(i) were applied by substituting ‘6’ for ‘5’ each place it appears; and

“(ii) did not include the requirement under paragraph (1)(A) thereof; or

“(B) section 203(f) of such Act were applied to such State—

“(i) regardless of whether or not the State had by law provided for its application;

“(ii) by substituting ‘8.5’ for ‘6.5’ in paragraph (1)(A)(i) thereof; and

“(iii) as if it did not include the requirement under paragraph (1)(A)(ii) thereof.

“(3) COORDINATION RULE.—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior to any further additional emergency unemployment compensation, if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of additional emergency unemployment compensation.

“(4) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.”.

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) by striking “then section 4002(c)” and inserting “then subsections (c) and (d) of section 4002”; and

(2) by striking “paragraph (2) of such subsection (c) or (d) (as the case may be)”.

(c) TRANSFER OF FUNDS.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking “Act;” and inserting “Act and the Unemployment Compensation Extension Act of 2009;”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

**SEC. 3. 0.2 PERCENT FUTA SURTAX.**

(a) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended—

(1) by striking “through 2009” in paragraph (1) and inserting “through 2010”, and

(2) by striking “calendar year 2010” in paragraph (2) and inserting “calendar year 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2009.

**SEC. 4. REPORTING OF FIRST DAY OF EARNINGS TO DIRECTORY OF NEW HIRES.**

(a) IN GENERAL.—Section 453A(b)(1)(A) of the Social Security Act (42 U.S.C. 653a(b)(1)(A)) is amended by inserting “the date services for remuneration were first performed by the employee,” after “of the employee.”.

(b) REPORTING FORMAT AND METHOD.—Section 453A(c) of the Social Security Act (42 U.S.C. 653a(c)) is amended by inserting “, to the extent practicable,” after “Each report required by subsection (b) shall”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect six months after the date of enactment of this Act.

(2) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirements imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet such requirements before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

**SEC. 5. COLLECTION IN ALL STATES OF UNEMPLOYMENT COMPENSATION DUE TO FRAUD.**

(a) IN GENERAL.—Subsection (f) of section 6402 of the Internal Revenue Code of 1986 is amended by striking paragraph (3) and redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to refunds payable on or after the date of the enactment of this Act.

By Mr. LUGAR (for himself, Mr. CARDIN, Mr. SCHUMER, Mr. WICKER, Mr. FEINGOLD, and Mr. WHITEHOUSE):

S. 1700. A bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress

that the President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LUGAR. Mr. President, I rise to introduce the Energy Security Through Transparency Act of 2009 on behalf of myself, Senator CARDIN, Senator SCHUMER, Senator WICKER, and Senator FEINGOLD. The Energy Security Through Transparency, ESTT, bill takes important steps towards reversing the resource curse by revealing payments made here and abroad to governments for oil, gas and minerals.

The Energy Security Through Transparency Act builds on the findings of a Senate Foreign Relations Committee staff report entitled the "Petroleum and Poverty Paradox: Assessing U.S. and International Community Efforts to Fight the Resource Curse" which noted that many resource-rich countries that should be well-off are, in fact, terribly poor. History shows that oil, gas reserves and minerals frequently can be a bane, not a blessing, for poor countries, leading to corruption, wasteful spending, military adventurism, and instability. Too often, oil money intended for a nation's poor lines the pockets of the rich, or is squandered on showcase projects instead of productive investments.

A classic case is Nigeria, the eighth-largest oil exporter. Despite half a trillion dollars in revenues since the 1960s, poverty has increased, corruption is rife, and violence roils the oil-rich Niger Delta.

The "resource curse" affects us as well as producing countries. It exacerbates global poverty which can be a seedbed for terrorism, it empowers autocrats and dictators, and it can crimp world petroleum supplies by breeding instability.

ESTT expresses the Sense of Congress that the administration should undertake to become an "implementing" country of the Extractive Industry Transparency Initiative, EITI. EITI is a major international transparency effort which sets a global framework for companies to publish what they pay and for governments to disclose what they receive. EITI's revenue data is intended to provide citizens with basic but crucial information necessary to effectively monitor government stewardship of natural resource revenues; hold decision-makers accountable for the use of public funds; and signal investors that a given country offers a transparent, rule of law-based business environment. The Bush administration supported the EITI through its participation on the board through the initiative's critical first several years.

As an implementing country, the U.S. would commit to disclosing payments from companies for oil, gas and minerals extracted from federal lands. Norway has recently signed up to become an implementing country, along

with thirty developing countries. The U.S. commitment to implementing EITI would add to our current commitment to EITI as a supporting country. This bill would ensure that not only was the U.S. promoting EITI with other countries, but that we were benefiting from the structured transparency here at home.

This bill commits the Department of Interior to disclosing extractive payments received for resources derived from federal lands. In a letter I received from Secretary Salazar on June 19, 2009, he wrote that "the Department of the Interior is in agreement with the goals set forth in the EITI especially concerning transparency in the management of extraction of minerals from Federal Lands." He went on to add that "the DOI is committed to an ongoing effort to improve the quality of our services by taking accountability for our actions and fulfilling our commitments to the public and all our customers in an open, transparent manner."

ESTT requires companies listed on U.S. stock exchanges to disclose in their regular SEC filings their extractive payments to foreign governments for oil, gas and mining which builds on the EITI requirement that all extractive companies operating in an EITI implementing country must report their payments to the government. This would allow investors to better evaluate the potential country risk faced by companies. It would also allow people to have information about the funds sent to their governments in non-EITI implementing countries.

An issue has been raised over whether this would impose a burdensome reporting requirement on the companies and whether the payments made by companies to extractive countries are relevant to investors looking into finances of those companies. This bill would not require the companies to collect any new information, but to report publically financial figures they already maintain. Many oil companies who work in EITI countries already file this information in the form required by EITI. It is expected that the SEC will follow the reporting requirements established under EITI, which were developed in conjunction with the oil industry. The legislation also gives the SEC some discretion, which should ensure ease of compliance. Regarding materiality, many analysts say that among the root causes of the current financial crisis were a failure by investors to have access to sufficient information about their investments, and an excessive reliance on the judgments of the ratings agencies, which proved to be highly faulty. That experience argues strongly for more disclosure and information. Considering the well-established link between oil payments and the business climate, many investors might be interested in this information—particularly socially responsible investors.

This legislation also encourages the President to work with members of the

G-8, G-20, the Organization for Economic Cooperation and Development and the Asia-Pacific Economic Cooperation to promote similar disclosure through their exchanges and jurisdictions. As Secretary Clinton noted in her questions for the record on January 12, 2009, "President-Elect Obama has put a high priority on promoting transparency in government more broadly. I look forward to working with the President-Elect and the Treasury Department to promote greater transparency at the G-8 and now G-20 as well."

In developing this legislation, my staff consulted with the Security and Exchange Commission, the Treasury Department, the Interior Department, energy companies, mining companies, the industry representatives, and non-governmental organizations.

When financial markets see stable economic growth and political organization in resource rich countries, supplies are more reliable and risk premiums factored into process at the gas pump are diminished. Information is critical to maintaining healthy economies and of healthy political systems. I ask for your support on passage of this bill.

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. 1700

*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 "Energy Security Through Transparency Act of 2009".

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) It is in the interest of the United States to promote good governance in the extractive industries sector because good governance strengthens the national security and foreign policy of the United States, contributes to a better investment climate for businesses in the United States, increases the reliability of commodity supplies upon which businesses and people in the United States rely, and promotes greater energy security.

(2) Developing countries that derive a significant portion of revenues from natural resource extraction tend to have higher poverty rates, weaker governance, higher rates of conflict, and poorer development records than countries that do not rely on resource revenues. The consequences of what is known as the "resource curse" including the erosion of civil society, a rise in internal conflicts and regional violence, and the proliferation of terrorism are likely to pose a long-term threat to the national security, foreign policy, and economic interests of the United States.

(3) Transparency in revenue payments to governments enables citizens to hold their leaders more accountable.

(4) There is a growing consensus among oil, gas, and mining companies that transparency in revenue payments is good for business, since it improves the business climate in which they work and fosters good governance and accountability.

(5) Transparency in revenue payments benefits shareholders of corporations that make

such payments because such shareholders have a desire to know the amount of such payments in order to assess financial risk, compare payments from country to country, and assess whether such payments help to create a more stable investment climate. Undisclosed payments may be perceived as corrupt and as decreasing the value of the corporation.

**SEC. 3. SENSE OF CONGRESS RELATING TO TRANSPARENCY FOR EXTRACTIVE INDUSTRIES.**

It is the sense of Congress that—

(1) the President should work with foreign governments, including members of the Group of 8 and the Group of 20, to establish domestic requirements that companies under the jurisdiction of each government publicly disclose any payments made to a government relating to the commercial development of oil, natural gas, and minerals; and

(2) the United States Government should commit to global leadership of transparency in extractive industries by supporting—

(A) multilateral pro-transparency efforts, such as the Extractive Industries Transparency Initiative, in revenue collection, budgeting, expenditure, and wealth management;

(B) bilateral efforts to promote good governance in the extractive industries through United States missions and activities abroad;

(C) the implementation of extractive industries reporting requirements for companies under the jurisdiction of the United States similar to the requirements established under section 6 of this Act; and

(D) efforts to persuade other members of the Organization for Economic Cooperation and Development and Asia-Pacific Economic Cooperation to adopt uniform legislation to ensure a coordinated regulatory approach.

**SEC. 4. SENSE OF CONGRESS RELATING TO THE EXTRACTIVE INDUSTRY TRANSPARENCY INITIATIVE.**

It is the sense of Congress that the President should commit the United States to become a Candidate Country of the Extractive Industry Transparency Initiative.

**SEC. 5. DISCLOSURE OF PAYMENTS TO THE UNITED STATES.**

The Secretary of the Interior shall disclose to the public any payment (as that term is defined in section 13(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(m)), as added by section 6 of this Act) relating to the commercial development of oil, natural gas, and minerals on Federal land made by any person to the Federal Government.

**SEC. 6. DISCLOSURE OF PAYMENTS BY RESOURCE EXTRACTION ISSUERS.**

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

“(m) DISCLOSURE OF PAYMENT BY RESOURCE EXTRACTION ISSUERS.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘commercial development of oil, natural gas, or minerals’ includes the acquisition of a license, exploration, extraction, processing, export, and other significant actions relating to oil, natural gas, or minerals, as determined by the Commission;

“(B) the term ‘foreign government’ means a foreign government, an officer or employee of a foreign government, an agent of a foreign government, a company owned by a foreign government, or a person who will provide a personal benefit to an officer of a government if that person receives a payment, as determined by the Commission;

“(C) the term ‘payment’—

“(i) means a payment that is—

“(I) made to further the commercial development of oil, natural gas, or minerals; and

“(II) not de minimis; and

“(ii) includes taxes, royalties, fees, licenses, production entitlements, bonuses, and other material benefits, as determined by the Commission; and

“(D) the term ‘resource extraction issuer’ means an issuer that—

“(i) is required to file an annual report with the Commission; and

“(ii) engages in the commercial development of oil, natural gas, or minerals.

“(2) DISCLOSURE.—

“(A) INFORMATION REQUIRED.—Not later than 270 days after the date of enactment of the Energy Security Through Transparency Act of 2009, the Commission shall issue final rules that require each resource extraction issuer to include in the annual report of the resource extraction issuer information relating to any payment made by the resource extraction issuer, a subsidiary or partner of the resource extraction issuer, or an entity under the control of the resource extraction issuer to a foreign government for the purpose of the commercial development of oil, natural gas, or minerals, including—

“(i) the type and total amount of such payments made for each project of the resource extraction issuer relating to the commercial development of oil, natural gas, or minerals; and

“(ii) the type and total amount of such payments made to each foreign government.

“(B) INTERNATIONAL TRANSPARENCY EFFORTS.—To the extent practicable, the rules issued under subparagraph (A) shall support the commitment of the United States Government to international transparency promotion efforts relating to the commercial development of oil, natural gas, or minerals.

“(C) EFFECTIVE DATE.—With respect to each resource extraction issuer, the final rules issued under subparagraph (A) shall take effect on the date on which the resource extraction issuer is required to submit an annual report relating to the fiscal year of the resource extraction issuer that ends not earlier than 1 year after the date on which the Commission issues final rules under subparagraph (A).

“(3) PUBLIC AVAILABILITY OF INFORMATION.—

“(A) IN GENERAL.—To the extent practicable, the Commission shall make available online, to the public, a compilation of the information required to be submitted under the rules issued under paragraph (2)(A).

“(B) OTHER INFORMATION.—Nothing in this paragraph shall require the Commission to make available online information other than the information required to be submitted under the rules issued under paragraph (2)(A).

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this subsection.”

By Mr. UDALL of Colorado (for himself and Mr. RISCH):

S. 1702. A bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain states; to the Committee on Environment and Public Works.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Target Practice and Marksmanship Training Support Act. I am introducing this bill with the support of Senator RISCH, and I thank my colleague for joining me in this bipartisan effort.

This bill would provide funding flexibility to the States to help construct and maintain needed shooting ranges—

safe and designated areas where people can sharpen their marksmanship and enjoy recreational shooting.

For a variety of reasons, the number of places where people can safely engage in recreational shooting and target practicing has steadily dwindled. This includes areas on our national public lands. In an effort to establish, maintain and promote safe and established areas for such activities, this legislation would allow States to allocate a greater proportion of their Federal wildlife funds for these purposes.

Currently, states are allocated funds for a variety of wildlife purposes under the Pittman-Robertson Act. This Act, which established a 10 percent excise tax on sporting equipment and ammunition, distributes these funds to States for specific purposes. One of these purposes includes hunter safety programs and the development and maintenance of shooting ranges. However, the Act currently contains certain limitations on the use of these funds for the purpose of shooting ranges.

The Target Practice and Marksmanship Training Support Act would amend the Pittman-Robertson Act by adjusting the funding limitations so that States have more funds available for the creation and maintenance of shooting ranges. Specifically, the bill would do a number of things.

First, it would authorize States to charge up to 90 percent instead of the current 75 percent of the costs for acquiring land for, expanding, or constructing a public target range on Federal or non-federal land to its allotted Pittman-Robertson allocations, and therefore States would only need to find 10 percent match, as opposed to 25 percent.

Second, it would allow the Pittman-Robertson funds allotted to a State to remain available for 5 fiscal years, instead of the current 1 fiscal year, for use in acquiring land for, expanding, or constructing a public target range on Federal or non-federal land.

Third, it would limit the liability exposure to the Federal land agencies, the Forest Service and the Bureau of Land Management, regarding the use of Federal land for target practice or marksmanship training.

Fourth, it would encourage the Federal land agencies, the Forest Service and the Bureau of Land Management, to cooperate with State and local authorities to maintain target ranges on Federal land so as to encourage their continued use.

To be clear, the bill would not allocate any new funding to the construction of shooting ranges, it would not raise any fees or taxes, nor would it require States to apply their allocated Pittman-Robertson funds to shooting ranges. Instead, by reducing the State matching requirements—and allowing States to “bank” these funds for 5 years, the bill allows States to use their Pittman-Robertson funds as they think best while also allowing them to

extend their existing license fee revenue and other State generated funds on other important programs, such as wildlife habitat.

I would like to thank the following groups who have expressed support for this legislation: the National Rifle Association, the National Governing Body for the Olympic Shooting Sports, the Colorado Firearms Coalition, the Colorado Wildlife Federation, the Colorado Backcountry Hunters and Anglers, and the Rocky Mountain Bighorn Society.

I believe that hunting and recreational shooting are legitimate activities—activities that also are appropriate where not prohibited on our public lands. This bill is designed to maintain these activities in a safe and convenient manner. It is my hope that the public lands agencies continue to work with the States, sportsmen and hunters, the recreational shooting interests, nearby communities, and others so that these opportunities are safe and available.

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. 1702

*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 “Target Practice and Marksmanship Training Support Act”.

#### SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the use of firearms for target practice and marksmanship training activities on Federal land is allowed, except to the extent specific portions of that land have been closed to those activities;

(2) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(3) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(4) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(5) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States funds that can be used for construction, operation, and maintenance of public target ranges; and

(6) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) PURPOSE.—The purpose of this Act is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

#### SEC. 3. DEFINITION OF PUBLIC TARGET RANGE.

In this Act, the term “public target range” means a specific location that—

- (1) is identified by a governmental agency for recreational shooting;
- (2) is open to the public;
- (3) may be supervised; and
- (4) may accommodate rifle, pistol, or shotgun shooting.

#### SEC. 4. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the term ‘public target range’ means a specific location that—

“(A) is identified by a governmental agency for recreational shooting;

“(B) is open to the public;

“(C) may be supervised; and

“(D) may accommodate rifle, pistol, or shotgun shooting.”.

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(1) by striking “(b) Each State” and inserting the following:

“(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each State”;

(2) in paragraph (1) (as so designated), by striking “construction, operation,” and inserting “operation”;

(3) in the second sentence, by striking “The non-Federal share” and inserting the following:

“(3) NON-FEDERAL SHARE.—The non-Federal share”;

(4) in the third sentence, by striking “The Secretary” and inserting the following:

“(4) REGULATIONS.—The Secretary”;

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

“(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.”.

(c) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h-1) is amended—

(1) in subsection (a), by adding at the end the following:

“(3) ALLOCATION OF ADDITIONAL FUNDS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.”;

(2) by striking subsection (b) and inserting the following:

“(b) COST SHARING.—

“(1) IN GENERAL.—Except as provided by paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

“(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(c) shall not exceed 90 percent of the cost of the activity.”; and

(3) in subsection (c)(1)—

(A) by striking “Amounts made” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made”;

(B) by adding at the end the following:

“(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.”.

#### SEC. 5. LIMITS ON LIABILITY.

(a) DISCRETIONARY FUNCTION.—For purposes of chapter 171 of title 28, United States Code (commonly referred to as the “Federal Tort Claims Act”), any action by an agent or employee of the United States to authorize the use of Federal land for purposes of target practice or marksmanship training by a member of the public shall be considered to be the exercise or performance of a discretionary function.

(b) CIVIL ACTION OR CLAIMS.—Except to the extent provided in chapter 171 of title 28, United States Code, the United States shall not be subject to any civil action or claim for money damages for injury to or loss of property, personal injury, or death caused by an activity occurring at a public target range that is—

(1) funded in whole or in part by the Federal Government pursuant to the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.); or

(2) located on Federal land.

#### SEC. 6. SENSE OF CONGRESS REGARDING CO-OPERATION.

It is the sense of Congress that, consistent with applicable laws and regulations, the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to carry out waste removal and other activities on any Federal land used as a public target range in order to encourage continued use of that land for target practice or marksmanship training.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 281—SUPPORTING THE GOALS AND IDEALS OF “NATIONAL CAMPUS SAFETY AWARENESS MONTH”

Mr. SPECTER (for himself and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 281

Whereas people on college and university campuses are not immune from the potential acts of crime that the rest of society in the United States faces;

Whereas, pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. 1092(f)), colleges and universities reported that from 2005 to 2007, 117 murders, 10,563 forcible-sex offenses, 16,632 aggravated assaults, and 3,226 cases of arson occurred on or around college and university campuses;

Whereas criminal experts estimate that between 20 to 25 percent of female undergraduate students become victims of rape or attempted rape;

Whereas the aggressor in a sexual assault is usually an acquaintance or friend of the victim;

Whereas less than 5 percent of the victims of sexual assaults report those assaults to law enforcement;

Whereas each year 13 percent of female students enrolled in an undergraduate program at a college or university will be victims of stalking;