

change anytime soon. Here is what he said. Speaking of Republicans' desire to keep nominations at a trickle, the assistant Republican leader said last week: "It'll be a slow, steady pace." The pace certainly has been slow, but not steady—more like nonexistent. One circuit court nominee in more than 6 months is an embarrassment. That puts the Senate on pace to confirm fewer than four circuit court nominees this entire Congress. It does not matter that there are judicial emergencies all over the country.

But Republicans' inaction on nominees is not just hurting our judicial system; it is also hurting our Nation's ability to combat terrorism, including ISIS. One way to help stop ISIS and other terrorist organizations is to go after their funding. Republicans know that. But listen to this, Mr. President. Since April, Adam Szubin, President Obama's nominee to the Department of Treasury as Under Secretary for Terrorism and Financial Crimes, has remained in limbo. It is so important to this country. We have the situation going on with Iran. We need people in the Treasury Department to help figure out all that is going on in regard to terrorism there and other places in the world. Yet Republicans will not confirm this good man. He cannot get a vote. And who knows why. Ask Republicans.

By any objective measure, the Republican Senate is failing in their basic constitutional responsibility to provide advice and consent. The American people deserve better. They deserve a Senate that does its work responsibly and completes it on time.

Mr. President, will the Chair announce the business of the day.

RESERVATION OF LEADER TIME

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

EVERY CHILD ACHIEVES ACT OF 2015

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

The senior assistant legislative clerk read as follows:

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

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, if I could gain the attention of the Democratic leader for just a moment, before he leaves the floor. In a few moments, the Senator from Washington and I will make our opening statements on our proposed committee legislation to fix No Child Left Behind, but before we do that, I want to first express my appreciation to the majority leader for his putting it on the floor, bringing it

up. I know the majority leader has a variety of other options, and he is giving us a chance to take our bill, which we will be describing in a few minutes, and put it on the floor.

I also want to acknowledge and thank the Democratic leader because he has allowed the bill to come to the floor without delay so that we can move to the bill and allow Senators to begin to vote on it. We hope to begin having those votes tomorrow morning.

We have a good example of cooperation here with the majority leader bringing the bill to the floor, a unanimous bill by the committee. Senator MURRAY, a member of the Democratic leadership, played a major role in the legislation. In fact, it was her advice that I took which caused us I think to have success in the committee by presenting a bipartisan bill. But I specifically want to thank Senator REID for his attitude on the bill. I think that will create the environment in which we will have to frankly work through some contentious issues. This is not an issue-free piece of legislation. We are 7 years overdue. It should have been passed in the last two Congresses. But we have made a good start.

I thank both leaders for giving Senator MURRAY and me a chance to try to work in the next few days with other Senators to continue the amendment process, allow Senators to have their say, get a result, and work with the House to send a bill to the President that he is willing to sign.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, my friend from Tennessee is an expert in education. Not only was he the Governor of the great State of Tennessee, he was also the Secretary of Education. He knows education. And he has a good partner to work with, PATTY MURRAY. The senior Senator from Washington is a legislator first class, and the work they have done as leaders of this important committee has been very, very good.

I appreciate the kind words of my friend from Tennessee, but this is an example of what I talked about a few minutes ago. We are not treating Republicans the way they have treated us. I repeat, every piece of legislation I brought to the floor we had to file a motion to proceed on—with extremely rare exception, everything. We wasted months going through this senseless 2 days, 30 hours, and on and on with all the time spent on this. It was an effort to embarrass President Obama, and they did their best to do that. But as cynical as it was, it helped them in the 2014 elections, and I acknowledge that, and that is too bad. But it is too bad we had to go through all that because it has really hurt the country.

I say to my friend, I have great respect for this man from Tennessee. He is a good legislator, and I look forward to moving forward on this important piece of legislation involving elementary and secondary education. We have

to do a better job, and I think there are no two better qualified people than the two managers of this bill to accomplish that.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Democratic leader. Senator MURRAY and I will make our opening statements, but I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Mr. President, we begin debate today on a bill to fix the problems with No Child Left Behind, the Federal law that has been causing confusion and anxiety in 100,000 public schools in our country.

This week, Newsweek magazine called this the "law that everyone wants to fix." There is a broad consensus about that, and, remarkably, there is a broad consensus about how to fix it. This is the consensus: that we should continue the law's important measurements of students' academic progress but restore to States, school districts, classroom teachers, and parents the responsibility for deciding what to do about the results of those tests. In my view, this change should produce fewer tests and more appropriate ways to measure student achievement. We believe this is the most effective path toward higher standards, better teaching, and real accountability.

Our Health, Education, Labor and Pensions Committee—the Senate's education committee—obviously believes that too. The committee reported the bill unanimously. Senator MCCONNELL, the majority leader, noted earlier that committee has on it some of the Senate's most liberal Democrats and several of the Senate's most conservative Republicans. It was a surprise to many people that the committee reported it unanimously. But the committee understood that this was a problem we needed to solve and that we had a fair and open process, everyone had a chance to participate, and that the bill was good enough to come to the floor, where we could continue to work on it.

Not only is there a consensus about how to fix it within the U.S. Senate committee on education, there is outside of the Senate. This bipartisan bill, which has come to the Senate floor, has been supported by teachers, by school boards, by school superintendents, by chief State school officers, and by Governors.

The Presiding Officer is a former Governor, as am I. Both of us would have to go back a long time to remember something that was supported as enthusiastically by both the National

Governors Association and the major teachers unions, but this bipartisan proposal is.

Earlier I thanked the majority leader, Senator MCCONNELL, for putting the bill on the floor. That may seem like a small matter for those not involved in the Senate, but it is a big matter. He has a pretty big list of bipartisan legislation that is important to this country's future, and he could have chosen any of those to bring to the floor. But he saw the importance of education to our country and that we not only need a strong national defense, but we need to be strong at home.

So we are going to be dealing with legislation that affects 100,000 public schools, 50 million children, 3½ million teachers. It may not be big news every day in Washington, DC, but it sure is in Nashville, TN, in Maryville, TN, in Washington State, and in North Dakota.

If you go home, you hear quite a bit about Common Core. You hear quite a bit about the national school board. You hear quite a bit about whether the standards we have for our children are enough to help them get a job and to help them succeed in the world we have. So I thank the majority leader for putting it on the floor.

As I said before, I thank the Democratic leader, Senator REID. He has allowed the bill to come to the floor as rapidly as it could. There have been no delaying tactics whatsoever. We didn't have to have a motion to proceed and a cloture vote. I am grateful for that because that means we can work with other Senators and put this bill into shape and give more people a chance to have their say on behalf of their constituents at home.

I want to give my special thanks at the outset—and I probably will again during this debate more than once—to the Senator from Washington State, Mrs. PATTY MURRAY. She is a good partner to have in this, and I am glad I took her advice in dealing with this bill. I knew we had a problem because we tried in the last two Congresses to solve this problem, and we absolutely failed. We are 7 years overdue. But Senator MURRAY made the suggestion that she and I try to work together to create a bipartisan product that we could present to the committee and then work from that. I took that advice, and it turned out to be excellent advice. Her ability to be a forceful advocate for her positions but at the same time command respect within her caucus and among people around the country who know her and to make this work is a principal reason, if not the main reason, we had a unanimous report from the education committee. So I am grateful to her for that.

If you are a busy parent of one of the 50 million children attending public school today, you may not know your child has been going to school for the last 7 years under a broken and expired Federal education law. You may not know that the U.S. Department of Edu-

cation is practically running your child's school, if you live in one of 42 States operating under waivers. You may have heard your child's teacher complain about how little flexibility he or she has to help your child and to innovate in the classroom, and you have probably seen your child's frustration at the number of tests he or she is taking.

You have no doubt heard of the frustration of other parents and teachers about Common Core, the academic standard most States have adopted. In 2009, the Department of Education created a \$4.4 billion pot of money that States competed for. This was called Race to the Top. States got extra points for adopting Common Core. Race to the Top caused 30 States plus Washington, DC, to adopt Common Core so they could include that in their application.

Then along came the phenomenon of waivers, because we in Congress had failed to act since 2007. The original No Child Left Behind bill passed in 2001 became unworkable. It established a goal that by 2014 all of our children in 100,000 public schools would be proficient in math and science. We got to 2014—or were getting there—and the children weren't proficient. So all the schools—almost all our public schools—were labeled as failing. So to avoid that bizarre result the Secretary issued waivers. But at the same time he issued some requirements about what you had to do to get a waiver if you were the State of North Dakota or Tennessee or some other State.

So you are likely to have heard from teachers and school board members frustrated about the narrow definitions from Washington about exactly how to evaluate teachers and what to do about low performing schools. Those requirements came with the waivers.

You may be frustrated that your child doesn't have more options for school than the nearest public school. I believe this bill will end many of those frustrations. It will restore responsibility to States for deciding what academic standards to use and will restore responsibility to teachers to do what they do best, and that is to help your child learn what they need to know and be able to do.

It will stop the trend of taking too many tests by restoring to States the responsibility for deciding how to use Federal test scores in measuring school achievement. It will help States expand and replicate their best charter schools so more parents will have a choice of schools.

The Senate education committee adopted 29 amendments during its debate on the bill. Already Senator MURRAY and I are working with Democratic and Republican Senators on adopting a large number of other amendments. In fact, I will have a substitute amendment for our bill to offer a little later this afternoon that will include a number of those amendments, and we expect there to be a robust discussion and debate and votes on the Senate floor.

Now, just for some context about the debate we are having, when we talk about fixing No Child Left Behind, here is what we are talking about. We are talking about reauthorizing the Elementary and Secondary Education Act. We are talking about the spending in that act of about \$23 billion, which the Federal Government distributes to States through the law's nine titles. The biggest title is what we call title I. It spends about \$14.5 billion specifically to help low-income students.

Now, the \$23 billion that is spent through this bill we are debating is a lot of money, but it is only about 4 percent of the total amount this Nation spends each year on kindergarten through 12th grade public education. The Federal Government contributes another 4 or 5 percent to K-through-12 education through various programs. But the rest of the money, about 90 percent, comes from State and local governments.

Why No Child Left Behind must be fixed: The problems have been created by a combination of Presidential action—but let us not forget our own responsibility and our own fault for this problem. That is called congressional inaction. So it is the combination of Presidential action and congressional inaction that has led us to a situation where we have a bill described by a major news magazine as “the education law that everybody wants to fix.”

It started in 2001, when President George W. Bush and Congress enacted a bill called No Child Left Behind, which requires a total of 17 tests between reading and math and science during a child's elementary and secondary education. The results of these tests must be disaggregated and reported according to race, ethnicity, gender, disability, and other measures so parents, teachers, and the community can see which children are being left behind.

In other words, a typical third grader would have two tests, one in reading and one in math. Each test should last about 2 hours. Then that test for that school would be reported to the public, and you would break it down according to the groups I just mentioned, and we could see if any group of children in any community is being left behind.

That wasn't all the law did. The law also created Federal standards—created here in Washington—for whether a school is succeeding or failing, what a State or school district must do about that failure, and whether a teacher was highly qualified to teach in a classroom. Those are Washington, DC, definitions.

If fixing No Child Left Behind were a standardized test, Congress would have earned a failing grade for each of the last 7 years because No Child Left Behind expired in 2007. We have been unable to agree on how to reauthorize it. As a result, the law's original requirements stayed in place and gradually became unworkable. As I mentioned earlier, this would have caused all of

America's public schools—almost all of them—to be classified as failing schools under the terms of the law.

The reason for that was the law set up as a goal that by 2014 all children would be proficient in reading and mathematics. That sounded like a fair enough goal to have when you are looking at it from 2001. But the closer we got to 2014—even by some of the lowest and easiest definitions of proficiencies established by States—it was clear that most children and most schools wouldn't reach that goal. So President Obama's Education Secretary offered waivers from the terms of the law, and today 42 States operate their public schools under the terms of those waivers from the original provisions of No Child Left Behind.

But instead of just saying yes or no, here is a waiver, each of those waivers contains some requirements. The Secretary really had the State over a barrel. He said: If you want a waiver from these unworkable provisions, you are going to have to do a few things. One is to adopt certain academic standards. That turned out to be, in most cases, Common Core. One was to take prescribed steps to help failing schools. Another was to evaluate teachers in a defined way.

There was so much new Federal control of local schools over the last several years that this has produced a backlash against Common Core academic standards, a backlash against teacher evaluation, and against tests in general. Governors and chief State school officers complain about Federal overreach. Infuriated teachers say the U.S. Department of Education has become a national human resources department or, in effect, a national school board.

This doesn't just come from Republicans. This comes from Democratic chief State school officers who have come to my office and who have come to Senator MURRAY's office and have said: Please give us more flexibility. We are with the children. We are in our States. We think we know what to do.

They say it in different ways maybe if they are Republicans or Democrats, but they all basically have said the same thing, which is why we have this consensus, at least so far on how to fix this legislation, this law that everybody wants to fix.

So what is this remarkable consensus on how to fix the law? Here are nine things the bill does. No. 1, it strengthens State and local control. The bill gives responsibility for creating what we call accountability systems to States. Now, "accountability systems" simply means who is in charge of making sure the job gets done. Well, that goes to States, working with school districts, with teachers and with others to make sure all students are learning and preparing for success. The accountability systems will be State designed. They will meet minimum Federal parameters, including ensuring that all students and subgroups of students are included in the accountability system.

Disaggregating student achievement data—those are the tests I talked about earlier. In establishing challenging academic standards for all students, the Federal Government is prohibited from determining or approving State standards. So if you are in Alaska, Tennessee or Washington, the Federal Government says if you want the Federal money, you have to have challenging standards and you have to have a test of those standards. But those are your standards, and those are your tests. You need to publicize them so the world can know how kids in schools are doing, but the Secretary in Washington is specifically prohibited by this proposal of ours from determining or approving those standards.

No. 2, our legislation would end the Common Core mandate. The bill affirms that States may decide for themselves what academic standards they will adopt without interference from Washington, DC.

I mentioned a little earlier how the \$4.4 billion pot of money caused as many as 30 States to immediately say: Yes, we will adopt Common Core. Now, maybe they were going to do it anyway, and we can talk about that more in just a minute, but that is what it did.

The Federal Government may not, under our proposal, mandate or incentivize States to adopt or maintain any particular set of standards, including Common Core. States will be free to decide what academic standards they will maintain in their States. If they want Common Core, they can have Common Core. If they want half of Common Core, they can have half of it. If they want uncommon core, States can have that. They simply have to have standards, and the Secretary is prohibited from telling them what those standards are.

No. 3, the bill would end the Secretary's waivers. The waiver provision was a small part of the original bill in 2001. I doubt if those who passed it ever expected it would be used the way it has been used by the current Secretary. The bill prohibits the Secretary, though, from mandating additional requirements for States or school districts seeking waivers from Federal law.

In other words, if I come as Governor of Tennessee to the Secretary of Education and say: I would like to have a waiver. He can say yes or he can say no, but he can't say: Well, you can get a waiver if you will evaluate teachers this way, adopt these standards, and fix these performing schools in that way. That is up to the State. The bill limits the Secretary's authority to disapprove a waiver request as well.

No. 4, the bill maintains important information for parents, teachers, and communities. No issue has stirred as much controversy in our discussion as testing. No Child Left Behind required students to take 17 standardized tests over the course of their kindergarten through 12th grade education, and it

attached high stakes for schools, school districts, and States to the results. As we studied the problem, as we listened to teachers and Governors and people of both political parties, it became obvious to us that it wasn't so much those 17 federally required tests but the stakes attached to them.

A third grader, for example, is required to take only one test in math and one test in reading. The testimony of the Denver school superintendent was that each of those tests takes about 2 hours. If you take two tests in the third grade and two in the fourth grade—and those are the tests that are publicized so people can tell whether the school is succeeding or the child is succeeding or children are being left behind—that is not very much time out of the school year. But the accountability system for what to do about the test results contributed to the exploding number of State and local tests. Many of them were given to prepare students for the high-stakes Federal tests.

Our proposal maintains the federally required two annual tests in reading and math in grades 3 through 8 and once in high school, as well as science tests given three times between grades 3 and 12.

These important measures of student achievement need to be reported publicly so parents can know how their child is performing. It is important the results be disaggregated so we know if any particular group of students is being ignored or left behind. It can also help teachers support students who are struggling to meet State standards.

We have included in our proposal before the Senate an amendment from Senator COLLINS and Senator SANDERS for a pilot program which would allow States additional flexibility to experiment with innovative assessment systems—meaning tests—that might replace the kind of standardize tests used today. It is important to point out that the Federal requirement isn't for a particular test. It simply says the State has to have one and the State has to publicize it in a special way.

No. 5, our proposal ends Federal test-based accountability. We discovered that the problem is the Federal Government's accountability system for what to do about the results of these tests, which has contributed to the exploding number of State and local tests. Said another way, it is the "made in Washington" decision about what a qualified teacher is, how to evaluate a teacher, and what is adequate yearly progress in a school. All of that is what seems to have caused the exploding number of tests we have heard about so much.

To give an example, in testimony it was said to us that Fort Myers, FL, had 183 tests for children in the kindergarten through 12th grade career of a child. We know only 17 of those are Federal tests under No Child Left Behind. So where are the rest of the tests coming from? They are State and local

tests. Once the spotlight was shown on Fort Myers, FL, and their 183 tests, it became clear it wasn't No Child Left Behind causing that—or at least it wasn't Federal tests but State and local tests that were causing this. Then the number of tests quickly went down.

Because of this, our proposal ends the high-stakes Federal test-based accountability system of No Child Left Behind and restores the accountability system to State and local responsibility to hold schools and teachers accountable.

Teachers are in the assessment business. They said to us: Look, there are many different types of tests and assessments. We do this all the time. We have pop quizzes, we have end-of-the-year tests, we have standardized tests, we have multiple choice tests, and we have open-ended questions. We need to be deciding what those assessments should be, and we need to be deciding what weight each of those has in deciding how this child is doing or how this school is doing or how this group of children are doing. So they don't really object to having a standardized test as one of the measurements. What they object to is having a single standardized test—set in Washington, DC—count for so much and to pretend that here we can make a decision about what may be going on in native schools in Alaska or the mountains of Tennessee or schools in Harlem.

States must include these standardized tests in their accountability system, but States will determine the weight of these tests. States will also be required to include graduation rates, another measure of academic success for elementary schools, English proficiency for English learners, and one other State-determined measure of school success or student support.

States may also include other measures of student and school performance in their accountability systems in order to provide teachers, parents, and other stakeholders with a more accurate determination of school performance.

State accountability systems must meet limited Federal guidelines, including challenging academic standards for all students, but the Federal Government is prohibited in this proposal from determining or approving State standards. So whether a State adopts common core or any other academic standard is entirely the State's decision.

This transfer of responsibility for determining what to do about the results of tests is why we believe our proposal will result in fewer and more appropriate testing for children.

There are three more things that our proposal does. No. 6, it strengthens the charter school program. The bill provides grants to State entities and charter management organizations to start new charter schools and to replicate or expand high-quality charter schools, including by developing facilities, preparing and hiring teachers, and pro-

viding transportation. It also provides incentives for States to adopt stronger charter school authorizing practices, increases charter school transparency so we can know what is going on, and improves community engagement in the operation of charter schools.

Charter schools are public schools. I remember in 1992, when I was Education Secretary, the last thing I did was that I wrote a letter to all the school superintendents in the country in all the different school districts—I guess there are 14,000 or 15,000—and asked them to consider creating in their school district one of the new start-from-scratch schools that had been created in the State of Minnesota by the Democratic-Farmer-Labor government. There were 10 of them, and they called them charter schools. Those were the first 10 charter schools.

There are 6,700 charter schools today. About 6 percent of all public school students go to charter schools. Charter schools, in my view, are nothing more than public schools in which teachers have the freedom to give children what those children need, and parents have the freedom to choose the school that their child attends. I think any teacher would much prefer to have that sort of arrangement and that sort of freedom—freedom from State regulations, freedom from Federal regulations, freedom from some union rules—so they can provide for the children who come to that school and who choose to go to that school the kind of education those children deserve.

No. 7, our proposal would help States fix the lowest performing schools. The bill includes Federal grants to States and school districts to help improve low-performing schools identified by State accountability systems. School districts will be responsible for designing evidence-based interventions for low-performing schools with technical assistance from the States. The Federal Government is prohibited from mandating, prescribing or defining the specific steps school districts and States must take to improve these schools.

Why would one do that? Let me give an example of what goes on today. Under the waiver requirements, if you have a low-performing school, you have to identify a certain number. That is prescribed by Washington. Then you have six ways you can fix the school. I insisted a couple of years ago that we add a seventh. Showing my old Governor biases, I said: Let's allow a State to come up with a seventh way of improving a low-performing school, and that would be whatever the Governor thinks would be the best way to do it. That was adopted by the Congress. About 12 months later, out came a regulation from the U.S. Department of Education defining, limiting, and explaining what a Governor could do about it.

The whole purpose of the exercise was to get rid of that sort of instruction from here and to recognize that

Governors themselves might feel like their principal responsibility might be to improve a low-performing schools. I always did when I was there. And I, with all respect, didn't really need advice from Washington, DC, about how to do it.

No. 8, it helps States support teachers. The bill provides resources to States and school districts to implement activities to support teachers, principals, and other educators, including through high-quality induction programs for new teachers and ongoing rigorous professional development opportunities. The bill allows—but doesn't require—States to develop and implement teacher evaluation systems.

I know I am using some of my own experiences here, but that is how I have learned. I believe that teacher evaluation is the holy grail of public education. Parents are more important than teachers, but I have yet to figure out how to pass a better parents law.

Most of the evidence we know about shows that the single most important way to help a child succeed is to put that child in the presence of a really exceptional teacher. So in 1984, Tennessee became the first State to pay teachers more for teaching well. That included a 1½-year brawl with the National Education Association, which objected to it.

President Reagan was President then. He came to Tennessee not to tell us to do it and not with any Federal dollars but just to say this is important to do and this is good to do. That helped me greatly in passing it in the legislature, which was Democratic at the time, and this kind of leadership began the process across the country that has spread—the evaluation of teachers—to identify the better teachers, to encourage them, to reward them, and to try to keep them in the teaching profession.

It was assumed when I came here that because I was so involved in teacher evaluation, I would want to come to Washington and say: OK, now everybody has to do what Tennessee did. But I have done just the reverse. The last thing we needed in Tennessee when we were trying to do teacher evaluation in a fair way was Washington looking over our shoulder, making it more difficult and complicated.

Evaluating good teachers, particularly rewarding outstanding teaching, is not easy to do. It sounds simple, but it is hard. It needs something teachers can buy into that may be different in Alaska and Tennessee and Washington, and it needs to respect what the circumstances are in each place. The goal is to reward outstanding teachers and make teaching more professional and to recognize that excellent teachers of math have great opportunities at IBM or some other company. I want to encourage that. This does that, but it doesn't mandate it from Washington.

No. 9, finally, this helps States improve the fragmentation of early childhood programs. I suspect we will hear a

lot about this from Senator MURRAY because we heard a great deal about it in the committee from her. She is a preschool teacher. Her mother was as well. I think one of the things Senator MURRAY learned as a preschool teacher was how to work well with others, which is what 5-year-olds learn. She is a passionate advocate for early childhood education—more than we have in this bill. But we have an important step forward in this bill, in my opinion, that Senator MURRAY and Senator ISAKSON offered as an amendment. It was approved by the committee.

It will provide competitive planning grants to help States expand quality early childhood education by addressing the fragmentation of spending of Federal dollars currently through early childhood education programs. We spend about \$8 billion on Head Start. We spend about another \$6 billion or \$7 billion on child development block grants. That total amount of money is as much money as we spend in the entire title I program for kindergarten through the 12th grade. We spend another \$8 billion or \$10 billion throughout different parts of the Federal Government for early childhood education. Then there is State funding for early childhood education. Then there is local funding. Then there is private funding.

For example, the testimony from the superintendent of education from Louisiana was that, as much as more money, what would help create more educational opportunities for children ages 2, 3, and 4, is for States and local governments to be able to spend the money we are already spending more effectively. He said: There are too many silos. You can't use the Head Start money in conjunction with this money or that money or in conjunction with this money. This proposal in our bill would be a step toward helping States use Federal dollars more effectively in early childhood education.

Finally, I said earlier that if fixing No Child Left Behind was a standardized test, Congress would have earned a failing grade for the last 7 years. In each of the last two Congresses, the Senate committee that Senator MURRAY and I head produced bills to fix No Child Left Behind. But these bills divided our committee along party lines. Even so, two Congresses ago, Senator ENZI, Senator KIRK, and I voted with the Democratic majority to report a bill out of committee so that the full Senate could act.

In the last Congress, the committee majority passed a partisan bill without any Republican votes, but I committed to support Chairman Harkin in taking the bill to the floor if there would be an open amendment process.

Unfortunately, these bills never reached the floor. We needed, obviously, to do something different, which is where Senator MURRAY's leadership became so important. She suggested the way that we proceeded, which allowed us to create a bridge across the

partisan divide so that we could recommend to the full committee a bipartisan solution upon which they could build and upon which the full Senate could build.

I accepted her suggestion, and I have repeatedly thanked her for it. She and I have listened carefully to our Senate colleagues, to teachers, principals, Governors, chief State school officers, students and parents, and to the business and civil rights communities, and we have listened to each other. I am grateful that the majority leader has put the bill on the floor and that the Democratic leader has allowed it to come to the floor expeditiously.

Senators with amendments will have a chance to have a vote on those amendments. Already in our Senate education committee, we considered 58 amendments, and we have adopted 29. We have had a fair and open process, which I believe is the main reason the committee vote was unanimous.

I would like to say this: Senator MURRAY and I have exercised restraint. Neither of us has insisted on forcing into the bill every proposal about which we feel strongly. We know that to get a result we have to achieve consensus. We know that in the Senate, "consensus" means at least 60 votes. We know that if we succeed here, we will have to deal with our friends in the House of Representatives. After that, if we want a result, which we do, we want the President's signature. We want to fix No Child Left Behind—not just make a political statement.

The only major objection to this bill that I have heard is one from some groups that believe the path to higher standards, the path to better teaching, and the path to real accountability is through Washington, DC, instead of State by State.

I would like to offer three reasons why I think this is wrong and why I believe our consensus to restore decisions to those closest to the children is right.

No. 1, States are better prepared today to set higher standards, to evaluate teachers, to develop good assessments, and to develop good accountability systems than they were when No Child Left Behind passed in 2001. President Bush and President Obama can take some credit for that and should.

No. 2, the national school board—as I call it—which has been created over the last 10 years as we move more and more responsibility from States to Washington, DC, has created a backlash. It has made it harder to have higher standards. It has made it harder to evaluate teachers. It has showed conclusively that the better path to higher standards, better teaching, and accountability is through the States and not through Washington.

No. 3, most Americans understand that you don't get wiser and more caring simply by getting on a plane and flying to Washington. In fact, the people closer to the children are usually

better equipped to make decisions about their well-being.

I have, principally because of age, a long view of this whole process. States are better prepared today than they used to be. I was Governor when Terrel Bell, President Reagan's Education Secretary in 1983, issued "A Nation at Risk," saying that our schools were in such a shape that if a foreign country had done that to our country, we would have considered it an act of war.

I worked together with other Governors—the Governors who were elected adjacent to me, especially Governor Clinton, Governor Riley, and Governor Graham—and the National Governors Association. In 1985 and 1986, Governor Clinton and I caused all of the Governors to work on something we called "Time for Results" to begin to move State by State toward more achievement for our students. Then in 1989, President George H. W. Bush called the Governors together to a summit and set national education goals.

That never happened before in our country. It may sound like an easy thing to do, to say let's have goals of all children being proficient in math, science, English, history, and geography. But just to pick those subjects was a controversial topic. Just to spend that time on it was a great step forward.

Then "America 2000" in 1991 and 1992, when I was Education Secretary, was the way to reach the goals. That is where we began to see this debate again. Is the best way to do it State by State, community by community or is the best way to do it through Washington, DC? President George H. W. Bush believed the best way to do it was State by State, community by community. He advocated voluntary national standards, but they were voluntary. He advocated voluntary national tests, but they were voluntary. He advocated accountability systems, but they were voluntary as well. He advocated more choices for parents of low-income children and an expansion of charter schools.

What the Governors have done since that time is worked together State by State to create our standards, better tests, and better accountability systems. The Governors have also agreed that States would take the so-called NAEP test, the National Assessment of Educational Progress, which is a sample test. Not all students take it. But it keeps the Governor of Tennessee from setting a low standard, which we once did so we looked good when we achieved that standard. Now we can know whether Alaska and Tennessee are really comparable because that test is public and we take it.

The second point I made about this was about the backlash. It may seem counterintuitive to say that it is harder to create higher standards because of the Common Core debate, but you would understand it pretty well if you ran for the Senate in a Republican primary or even in a general election,

which I did last year. Common Core was an issue both in the primary and in the general election. What I said was this: Wait a minute; I think Washington should stay entirely out of it. But people were so upset with Common Core, not really so much because of what is in it but because Washington was requiring it or at least it seemed to them that it was Washington taking over local schools.

The truth of the matter was that Common Core began with Bill Bennett, a former Education Secretary and a leading conservative, when he was head of the National Endowment for the Humanities here in Washington, DC. He sponsored research by E.D. Hirsch in Virginia, who wanted to put more rigor in academic curriculum.

When the first President Bush called the Governors together and said we want to set these high goals and Governors begin to talk about what the standards for the proposed goals are, Governors began to work together on something called Achieve. There were some who said: Let's have Washington do it.

But the Governor said: No, you stay out of it; we will do it together.

It was out of this that the Common Core academic standards came together. It was basically a bunch of conservative Governors working together to add rigor to the system. But what spoiled it was that Washington's involvement in it in the 1990s created this enormous backlash and now Governors are backpedaling. At a time when, for example, in our State we have advanced manufacturing coming in and workers need to know a lot in order to get a job, we are arguing about whether to have high standards because of the backlash against Common Core. We need to get Washington out of the Common Core debate and let Tennessee and every other State make their own decisions about what their academic standards should be. Then, if you don't like what your child is learning, you can go talk to your Governor or your legislature and they have 100 percent of the authority to decide whether that is good or whether that is bad.

Then there is teacher evaluation. As I said, I spent a lot of time on that in the 1980s and since. It is hard to do. It is hard enough to do without adding a new element, and the new element is the highly prescriptive method that is defined from Washington about how to do a teacher evaluation. That produced a backlash.

Teachers unions are up in arms. When they are up in arms, that makes it harder to put in a teacher evaluation system. If you believe, as I do, that high standards and teacher evaluation are the underpinnings of a great education system and are the way that you help children learn what they need to know and are able to do, you do not want to create a backlash to those efforts by insisting on prescriptive definitions from Washington, DC.

Finally, it is a strange idea, as I mentioned earlier as well, to suggest that those of us who fly from Knoxville to Washington—or Senator MURRAY flies a long way each week and goes all the way to the West Coast and back, but almost all of us go home almost every weekend—get that much smarter and that much wiser on the plane flying here. I may get a little less smart and a little less wise on the plane flight here. It doesn't help me to know any more about what is going on in the Tennessee mountains or the native areas of Alaska or in eastern Washington State by being here in Washington, DC.

We spend 4 percent of the Nation's education dollars through this bill we are debating today. I think we have a right to ask: How are these children doing? Take a test, report the results, and let us see if children are being left behind. But we shouldn't presume then to say: Here then is what you ought to do about it. We are going to decide who is succeeding, who is failing, what the right way to fix that is. We can't do that with 50 million children, 100,000 schools, and 3.5 million teachers. All those are better done by men and women who are closer to the children.

One of the most eloquent statements of what I just said came from Carol Burris, New York's 2013 High School Principal of the Year. She wrote us after we began work on our proposal and put it online and this is what she said:

Remember that the American public school system was built on the belief that local communities cherish their children and have the right and responsibility, within sensible limits, to determine how they are schooled.

While the federal government has a very special role in ensuring that our students do not experience discrimination based on who they are or what their disability might be, Congress is not a National School Board.

That is the principal of the year in New York State saying that.

She went on to say:

Although our locally elected school boards may not be perfect, they represent one of the purest forms of democracy that we have. Bad ideas in the small do damage in the small and are easily corrected. Bad ideas at the federal level result in massive failure and are far harder to fix.

That is advice from the New York Principal of the Year. In other words, our well-intentioned guidance from Washington is usually not as effective as a decision made in the home, classroom, and community by those closest to the children.

What we heard over and over from Democrats as well as Republicans was that while continuing measurements of academic progress are important in holding schools and teachers accountable, we should respect the judgments of those closest to the children and leave to them most decisions about how to help 3.4 million teachers help 50 million children in 100,000 public schools.

A little humility on our part is an important part of the recipe for a suc-

cessful fix of No Child Left Behind. I look forward to this debate. I particularly look forward to fixing this law that everybody seems to agree has to be fixed, and that most people seem to agree on how to fix it.

If Senators were in a classroom, none of us would expect to receive a passing grade for unfinished work. Seven years is long enough to continue fixing No Child Left Behind.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senator from New Jersey, Mr. BOOKER, follow my remarks on the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, since our Nation's founding, the idea of a strong public education for every child has been a part of the fabric of America because when all students have the chance to learn, we strengthen our future workforce, our country grows stronger, and we empower the next generation of Americans to lead the world. A good education can provide a ticket to the middle class, so improving education is an important part of what it means to grow our economy from the middle out, not from the top down.

Today marks the first day of debate on our bipartisan bill to strengthen our education system by reauthorizing the Nation's K-12 education law, the Elementary and Secondary Education Act, or ESEA. This work is a chance to recommit ourselves to the promise of a quality education. For every child, it is an opportunity to finally fix the current law, No Child Left Behind.

I have been very proud to partner with the senior Senator from Tennessee throughout this process, and I commend Chairman ALEXANDER for working with me to create this bipartisan bill and for passing the Every Child Achieves Act through the education committee with unanimous support.

I think it is important at the onset to discuss why we need to fix the current law. I also would like to lay out what we accomplished in the Every Child Achieves Act and go through how I think we can best strengthen this bill and pass it through the Senate with bipartisan support.

I wish to acknowledge my committee members as well. This bill is better thanks to their hard work and commitment to their priorities and their communities.

Nearly everyone agrees that No Child Left Behind is badly broken. For one, the current law required States to set standards for schools but then didn't give the schools the resources they needed to meet those standards. Second, across the country we are still seeing inequality in education, where some schools simply don't offer the same opportunities as others, and some

schools still have very large achievement gaps.

I have seen firsthand how this law is not working for my home State of Washington. No Child Left Behind has become so unworkable that the Obama administration began issuing waivers to exempt States from the law's requirements. Washington State had received a waiver but lost it last year, and now most of the schools in my State are categorized as failing.

A few months back, I stood here on the Senate floor and told the story of a mom from Shoreline, WA. Her name is Lillian. Last year her son was going into the fourth grade in the same school district where I once served as a school board member. Lillian's son had a learning disability. With the help of teachers and specialists at his elementary school, he showed great signs of progress. But then Lillian got a letter in the mail 2 weeks before school started, and that letter described her son's school as failing. That left her worried about the kind of education her son was getting, and she said it gave her a wave of uncertainty over the coming school year.

I have traveled around Washington State over the past decade and I have heard from a lot of my constituents, from teachers in the classrooms, to moms at the grocery stores, to tech company CEOs. They all have the same message: We need to fix the No Child Left Behind law. I was very glad that earlier this year we got to work on a bipartisan basis to find common ground to do just that, and I remain convinced that the only way to advance a bill to fix this broken law is with a bipartisan approach. Students, teachers, and parents are counting on us to do this, and now it is time to take the next step as we debate the Every Child Achieves Act here on the Senate floor.

This bill is a strong step in the right direction to finally fixing No Child Left Behind and making sure all of our students have access to a high-quality public education. It addresses the high-stakes testing. I have heard from parent after parent, teacher after teacher in Washington State that students are taking too many tests. The current law overemphasized test scores to measure how students are doing in school. Our bill will give flexibility to States to use multiple measures—not just a single test score—to determine how well a school is performing. The bill will create a pilot program for States to design new assessments, and that will provide our States with a lot of flexibility for innovation. Those steps will reduce the pressure on our students, our teachers, and our parents so they can focus less on test prep and more on learning.

The bill eliminates the one-size-fits-all provisions of No Child Left Behind that have been so damaging to our schools districts. Instead, the bill allows our communities, parents, and teachers to work together to improve schools and to ensure that every child receives a well-rounded education.

The bill maintains Federal protections to help students graduate from high school college- and career-ready. The bill also requires States to identify schools that do need improvement.

When the education committee debated the bill, I was also proud, as the Senator from Tennessee mentioned, to work on a bipartisan amendment with Senator ISAKSON to expand and improve early learning programs. As a former preschool teacher, I have seen the kind of transformation early learning can inspire in a child, so I am proud that this bill will help us expand access to high-quality early childhood education so more of our kids can start kindergarten ready to learn.

There are a few key ways that I want to continue to improve this bill. First of all, I believe we should strengthen the accountability requirements in the bill. Too many schools have failed too many of our children for too many years. When we don't hold the schools and States accountable for educating every child, it is the kids from our low-income backgrounds, kids with disabilities, kids who are learning English, and kids of color who too often do fall through the cracks. Before No Child Left Behind, it was easy for schools to overlook the performance of these vulnerable groups of students. Before 2002, as long as the school's overall performance was OK, it didn't matter if students of color or students from low-income backgrounds struggled to make progress year after year. The overall average of all students allowed achievement gaps to be swept under the rug even as some students fell further and further behind. We cannot go back to those days, and we can't backtrack on holding our schools accountable for helping all of our students learn.

States should still be required to identify the schools that are struggling the most so they can get the help and resources they need to improve. States need to identify the schools where some groups of students aren't making enough progress. These schools should get the support and locally designed interventions they need to better serve their students. Let's remember that holding States accountable for all students will only work if schools get the resources they need to promote students' success.

Unfortunately, some schools simply don't provide the same educational opportunities as others. Oftentimes students of color don't even have the option to take an AP course or use up-to-date technology in the classroom. African-American and Latino students are significantly less likely to attend a high school that offers advanced math or art classes, and, on average, kids from low-income neighborhoods don't have access to qualified and experienced teachers like students from wealthier neighborhoods often do. A ZIP Code should never determine a student's academic success. We need to make sure all students have equitable resources.

In the 1800s, Horace Mann, who is often called the father of American education, worked to make it universal and free for all. He famously said: "Education . . . is the great equalizer." I believe that is true but only if we continue to hold ourselves accountable for providing educational opportunities to all students. The Every Child Achieves Act takes some very important steps to do that. As we debate this bill, I hope we can build on the progress and continue to move in the right direction.

I do believe there are important ways we should be able to work together to improve the bill, but there are other ideas out there that may derail any chance of passing this bill and fixing No Child Left Behind. I know some of my Republican colleagues are interested in making title I funding "portable." That name sounds innocuous enough, but that proposal would allow funds to be taken away from schools that need the help the most, and it would defy the original purpose of our Federal K-12 education law. ESEA was meant to help level the playing field for students growing up in poverty. Efforts to backtrack on our country's commitment to target funds to the highest needs schools and instead give funding away to our more affluent schools is a nonstarter.

Others are interested in voucherizing the public school system. That would undermine the basic goals of public education by allowing funding designated for the most average students to flow out of the public school system and into mostly unaccountable private schools. Vouchers are unacceptable to me and would jeopardize our bipartisan work.

I am looking forward to our debate to make this bill even better. Half a century ago President Lyndon Johnson directed Congress to improve education for our Nation's students. In January of 1965, in what would be just months before signing the original ESEA into law, President Johnson said that when it comes to education, "nothing matters more to the future of our country," and that remains true today. The future of our country hinges on our students' ability to one day lead the world, and a high-quality education for every student is one of the best investments our country can make to ensure we have broad-based and long-term economic growth.

Finishing this process we are working on today and getting a bill signed into law isn't going to be easy. Nothing in Congress ever is. But students, parents, teachers, and communities across our country, including in my home State of Washington, are looking to us here in Congress to fix this broken law. We cannot let them down.

We need to work across the aisle to help our students and our schools and our teachers get some much needed relief from No Child Left Behind. We need to give our States flexibility while strengthening accountability and

resource equity. We need to work together to reaffirm our Nation's commitment to ensuring that all students have access to a quality education regardless of where they live or how they learn or how much money their parents make. By doing so, we will help our Nation grow stronger for generations to come.

I again thank the Senator from Tennessee for his tremendous leadership in getting us to this point and for working with us to make sure we get this bill to the President and signed into law so that we can all go home and say we fixed a badly broken law.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I rise today to discuss the reauthorization of the Elementary and Secondary Education Act. I rise today with the understanding that I have been a Senator for just a short while—about 19 months—and with the knowledge that I stand in a body full of champions for our Nation's kids. I am proud of the conversations I have had on both sides of the political aisle and see the earnestness and hard work to ensure that America is a place where all children can thrive.

I wish to give a special thanks to Senators ALEXANDER and MURRAY, the chairman and ranking member of the Senate HELP Committee. They have worked tirelessly in an effort to expand educational opportunities for children, and I have no doubt that they have already made lasting contributions to the lives of our children. In addition to that, they have taken a flawed legislative reality in No Child Left Behind and have already made significant strides in improving it. It should be applauded. They have done good work. In a nation that has been overcome with test craziness, they lowered those ridiculous bars and barriers that are being put up at the local level to achieving high education.

I am proud to see a bipartisan consensus forming to correct the ills of No Child Left Behind which have been foisted upon school districts all over our country and which have made the quest for educational excellence more difficult, not easier or more empowering.

I say all of that, but I must also say that I am here because there is an enormous amount of work still to do. This body must confront the dark places in our country where the ideals of the American educational system and where the dream of this country of equal access to opportunity is being failed. We have work to do. There is a moral urgency in this country, and that is what I am worried about today.

It is deeply disconcerting to me that I cannot stand in the well of the Senate before you today and say that a child born in any ZIP Code in America will have access to a quality education and an equal shot in this Nation at learning the skills they need to make the most out of their lives, to contribute to

our country, and to live their American dream.

It is troubling that I cannot stand here in the well of this auspicious body and say that we are leading our peers around the globe when it comes to the number of our kids—percentage of the population—who graduate from high school ready to succeed as part of the global economy.

It is shameful and ignominious that I cannot stand here today and say that we are doing everything we can to ensure that all of our students can succeed and that we are holding those schools that are performing the worst in our Nation—those schools that often deal with the poorest of our country, the most marginalized of our country—that we are doing everything we can to serve them.

There should be standards to which we hold ourselves accountable. For this Senator, it is this America where children are still struggling for the basic foundations of our ideals that concerns me.

It was back in 1967 at Stanford University—my alma mater—that Martin Luther King stood and gave a speech about the other America. Sadly, we are a nation that still reflects these words from decades ago. He talked about a great America where children have quality schools, quality housing, and opportunities to succeed. That is the majority of our Nation. It makes us all proud and honored to serve this country that is an example to the globe of what is possible in a vibrant and strong democracy. But in that speech, Martin Luther King also talks about the other America. It is in this America, he said, that people are poor by the millions. "They find themselves perishing on a lonely island of poverty in the midst of a vast ocean of material prosperity," King said.

He said:

In a sense, the greatest tragedy of this other America is what it does to little children. Little children in this other America are forced to grow up with clouds of inferiority forming every day in their little mental skies. And as we look at this other America, we see it as an arena of blasted hopes and shattered dreams.

He details this other America by saying that "many people of various backgrounds live in this other America. Some are Mexican-Americans, some are Puerto Ricans, some are Indians." Millions of them are White. "But probably the largest group in this other America in proportion to its size in the population is the American Negro."

We are moving now on education legislation, but let's tell the truth of what is happening in this other America—that there is still a dark underside where lack of achievement and lack of opportunity in this other America must be addressed.

I have visited schools all over New Jersey. We are a State that is the envy of America in the quality of our schools. We have reached heights of educational attainment, and New Jer-

sey youngsters go to great, prestigious universities all over our State and our country. I am proud that we are one of the greatest education States in America. But I also know that even New Jersey has some schools—particularly in vulnerable places of high poverty—that fail to serve the genius of our children.

I have also had the privilege to travel our Nation, having been invited to speak in cities from coast to coast, and, like New Jersey, I see signs of hope and signs of promise. I see kids going to schools in the toughest neighborhoods, but those schools are more than schools—they are cathedrals of learning that serve their genius. Yet I am still told by parents from New Jersey and in our Nation, who look me in the eye and know their schools are failing their kids—they don't need reports from any government body to let them know their kids are not getting the education they deserve and to know the even more painful truth that their children, should they not get the education they deserve, will have options for themselves that are lost and constricted in this greatly global economy we have.

I worry that if we put legislation forward which does not keep those children in the center of our hearts and our minds, the consequences of dashing those dreams are great for our Nation.

When I was a child, I heard this poem by Langston Hughes:

What happens to a dream deferred?
Does it dry up
like a raisin in the sun?
Or fester like a sore—
And then run?
Does it stink like rotten meat?
Or crust and sugar over—
like a syrupy sweet?
Maybe it just sags
like a heavy load.
Or does it explode?

In our country, people who are in environments with schools that fail the genius of our kids witness the disastrous manifestation of that failure on a daily basis. We now know that in America, a young Black boy who does not graduate from high school has a 70 percent chance, without that diploma, of ending up in jail by his mid-thirties. We now know that in our prisons in this Nation, 67 percent of inmates are high school dropouts. We know that the national average spent for a student in our country is \$12,643. Yet, somehow we allow funds to drain from the National treasure that are the kids in our schools, by spending almost \$29,000, on average, to keep one person behind bars in federal prison.

If we deny poor children a quality education, there will be disastrous consequences. We now know that in our Nation, if you are born in poverty, you have a 9-percent chance of going to college. I will repeat that. If you are born in poverty, you have a 9-percent chance of going to college and graduating. This is unacceptable.

We cannot design legislation in this body that does not stand up to this reality. Indeed, the legislation we are

passing now has its roots in its initial focus on the disadvantaged.

Fifty years ago this past April, President Lyndon B. Johnson sat in front of what once was a one-room schoolhouse in Texas, next to a woman named Kate Deadrich Loney, and signed into law the Elementary and Secondary Education Act. It had a purpose to it. It had a mission.

Sitting next to his former teacher and in front of his former school, President Lyndon Johnson signed the law and said that this law “represents a major commitment of the federal government to quality and equality in the schooling that we offer our young people. By passing this bill, we bridge the gap between helplessness and hope for more than five million educationally deprived children.”

That is not all he mentioned, but he specifically focused on those disadvantaged children—those 5 million in our Nation—who were not getting access to the American ideal, the American dream. Their dream was to be deferred or stolen or denied.

Today in America, 6 percent of high schools fail to graduate one-third of their students. We must do better by them. It is this issue in our country that we have to recognize.

As stated in President Johnson’s words, the Federal Government’s role in education has been that of a bridge between helplessness and hope, one that identifies the needs of the underserved and the most vulnerable students and the schools that are not serving them. Since 1965, the Federal Government has done a good job of playing a critical role in advancing equality and greater educational opportunity so that more children are included. The creation of Pell grants, title IX, and the first Education for All Handicapped Children Act are great strides our Nation has taken in being that bridge from helplessness to hope.

The reauthorization of the critical legislation that first established that “bridge” has taken different forms over the past 50 years. In certain instances, as in the case of No Child Left Behind, it took a step too far. That is why this Senator praises Senator ALEXANDER and Senator MURRAY for beginning to correct the inadequacies and deficiencies and harm that bill has done.

When it comes to reauthorization of the ESEA, we cannot allow for an overly prescriptive No Child Left Behind bill. We cannot afford to go back to that era. We must change. However, we cannot allow the pendulum to swing so far that we abdicate our responsibility to make sure every student—to make sure the students in that other America are being served by a quality school.

It is not overly prescriptive to ask schools that are failing to graduate a large share of their students to do something differently. It is not overly prescriptive to ask schools—these 6 percent of our schools that are dropout

factories in our Nation—to make changes to honor the children, their beauty, their dignity, and their potential. And it is certainly not asking too much that we who are putting hundreds of millions of dollars from the Federal Government into a system—that there is some accountability for these dropout factors.

This body should be a steward of taxpayer dollars. Congress has a role when it comes to the investments we make in housing, when it comes to the investments we make in infrastructure, and when it comes to defense dollars, to make sure these dollars are serving the purpose to which they are extended—to make sure these investments produce returns for taxpayers. Today, the Federal Government and this body still have that critical role to play when it comes to making sure all American children have access to a quality education.

The status quo is unacceptable. Too many of our children are still stuck in failing schools—schools that are so bad that they put thousands of children into that world where they do not have a chance at a college education or even getting a high school degree. The students succeeding in our country’s quality schools will have the opportunity to become the next generation of teachers, mayors, police, firefighters, doctors, and Senators. They will lead the globe. This is what I am proud of as an American. The students in our country’s failing schools deserve to have that same opportunity.

I know this from traveling our country and traveling our State: that prodigy isn’t bounded by geography and that genius is equally distributed in our country. Talent is as concentrated in one ZIP Code as it is in another. There are as many geniuses in Camden as there are in Princeton. The next Einstein or Gates or Hemingway is as likely to be growing up in Newark as they are in the Upper East Side of Manhattan. I have seen schools flourish in poor neighborhoods. I have seen great schools meet incredible challenges and succeed in educating our kids. We know it is possible, and we should expect better than we are seeing now.

Our moral test is whether we will be able to attain success everywhere it might be found, whether we will be able to nurture the genius in all of our kids. We owe it to every child in America to ensure that every door is open for them to demand better. We need to demand better for our kids. We need to keep them front and center as we consider this bill on the floor.

I want to conclude by saying that we cannot succeed as a nation, in an increasingly global competitive environment, if we leave genius on the sidelines. Our educational determination to help those children is not simply about them, it is about us. It is about whether we will get the full bounty of the strength and potential of our Nation or if we will cast many aside into

those dark places, into that other America.

We cannot now be damned by the self-defeating stakes of low expectations for ourselves and all of our children. Kids who languish in this other America because of a lack of compassion and support and investment cannot afford to have less accountability for their success.

I know as we debate this bill there will be resistance to the idea that those failing most, those stuck in dropout factories, those in the other America don’t deserve levels of accountability. But I know that if we focus on those children, to keep them at the center of our thoughts, as was done by President Johnson when this bill originated, I know we can be the America we want to be, a nation that when our children put their hands on their hearts and say those words, “liberty and justice for all,” that they are real, indeed, for all children.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 2089

(Purpose: In the nature of a substitute)

Mr. ALEXANDER. Mr. President, I call up the Alexander-Murray substitute amendment No. 2089.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 2089.

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

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

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The PRESIDING OFFICER. The majority whip.

WORK IN THE SENATE AND NUCLEAR AGREEMENT WITH IRAN

Mr. CORNYN. Mr. President, last week I had a chance to travel the State of Texas. Of course, the Presiding Officer can imagine, I had a chance to move around the State to listen to what people were saying and, frankly, to tell them what it is we have done on their behalf in the Senate so far this year. By and large, I heard that folks are happy to see the Senate back to work, under new management, and getting things done that they elected us to do.

I spent a good amount of time out in West Texas and in the panhandle and had a chance to speak to a number of farmers and ranchers in that part of the State. They are, frankly, very pleased to hear that they will soon have access to new markets in Asia now that the trade promotion authority bill has been passed and is the law of the land, and we are currently in the final stages of negotiating the Trans-Pacific Partnership.

The trade promotion authority, of course, passed last month and was

signed by the President, and it represents a true bipartisan accomplishment between Congress and the President. While it is true that I disagree with the President more often than I agree with him, in this case we can both agree that opening new markets for our farmers, ranchers, and our small business people is good for our States and good for the country.

Getting Texas beef, cattle, cotton, and other goods to new markets translates into better jobs, better wages, and a better economic climate for hard-working Texans. But of course passing the trade promotion authority legislation is just one example of what this Chamber has accomplished so far this year. Under new leadership, the Senate has made tremendous progress from what this Senate used to be. We have seen the return to regular order, functioning as a deliberate body that considers a wide range of legislation to benefit the everyday lives of the American people.

I think pointing out that we voted on more than 130 amendments, compared to just the 15 that were voted on last year, is a great indicator that this Chamber is actually back working the way it should. The good news is, whether you are in the majority or the minority, everyone is getting a chance to participate in this process, and regular voting on amendments brought by any of our Members is now typical and not the exception to the rule.

I mention we passed the trade legislation, but overall the Senate has passed more than 40 bipartisan bills. We have seen 22 of those already signed into law by President Obama. So the American people let their voices be heard last November 4. They sent us here to do their work. This week, we will take up another important piece of legislation. We will take up an education bill that will ultimately give school districts in Texas and across the country more flexibility and more power to make the best choices for their students.

I know the HELP Committee—the Health, Education, Labor and Pensions Committee—the committee of jurisdiction in education matters, has worked hard under the leadership of Chairman ALEXANDER and Ranking Member MURRAY. They brought this bill to the floor with a unanimous vote in the committee. So I and others look forward to an open amendment process and a vigorous debate over our Nation's education priorities and the important role the States play and local control plays in making sure all students have access to educational opportunities.

Later this week, we will likely have a chance to reconcile the language between the House and the Senate version of the Defense authorization bill, a bill that will help equip our Armed Forces with the resources and give them the authorities they need to keep our country safe. Of course, the Senate will also continue discussions on how to responsibly address the chal-

lenges facing the highway trust fund and find a way forward for our transportation networks.

I remain optimistic that this Chamber can ultimately take up appropriations bills that are needed to fund our troops on the battlefield and care for our veterans upon their return. Last month, our Democratic friends laid out a strategy, something they called the filibuster summer, saying unless they get 100 percent of what they want, that they are not going to allow the Senate to proceed to consider these appropriations bills.

Well, I would like to just remind them there is a lot of work we have to do that needs to be done, and if we could just get back in the spirit of this bipartisan cooperation, everybody can let their voice be heard and their vote will count, but pure partisanship will not get the job done. The many Texans I spoke to back home want this spirit of diligent, focused work to continue. They certainly want to see us provide the resources to our troops that they need to carry out their mission. So while we have a strong track record so far in the 114th Congress, we still have a lot of work to do. I hope my friends across the aisle will continue to work with us on behalf of the people who sent us here.

Separately, I know my colleagues and I are anxiously awaiting the news of the final outcome of Secretary Kerry's ongoing negotiations regarding Iran and its nuclear aspirations. As we all know, earlier this year, Congress passed the Iran Nuclear Agreement Review Act, which guarantees that Congress, on behalf of the American people, will have time to study, scrutinize, debate, and then ultimately vote on whether we approve or disapprove of the negotiated deal between Secretary Kerry and the administration and Tehran.

If the President reaches a deal with Iran by Thursday, then Congress will have up to 30 days to review it and then to vote on whether to approve it. As I have said all along, I have grave concerns about how the President has been negotiating with one of our foremost adversaries, a country that constantly threatens the American people and our allies and has done nothing to garner our trust or respect.

The broad outlines of the deal—of the potential deal—we have seen reported in the press don't look particularly promising. It seems to get actually worse by the day. So I strongly encourage the President and Secretary Kerry to remember that if you want a deal badly enough, that is exactly what you are going to get is a bad deal. So "any deal at any cost" is not the mantra of the American people who are understandably very wary of any agreement with Iran.

But, fortunately, the Senate has proved we will not stand by and watch the President as he makes far-reaching agreements without the consent of the American people through their elected

representatives. So I look forward to working with my colleagues to give very careful scrutiny, certainly the sort of scrutiny this proposed deal deserves, to make sure our country's best interests are protected. If this deal does not protect our national security and the security of the region and our allies, Congress may have no other choice than to vote it down by passing a resolution of disapproval.

I yield the floor.

The PRESIDING OFFICER (Ms. AYOTTE). The Senator from Virginia.

Mr. WARNER. Madam President, I rise to speak in support of an amendment I have filed to the Every Child Achieves Act that will be brought up, I believe, later today. In the spirit of my friend the Senator from Texas I am glad he has joined me on this amendment. I know as we get into this terribly important education bill, I want to commend Senator ALEXANDER, Senator MURRAY for their leadership in bringing it to the floor and trying to wrestle through the right balance of between Federal, State, and local partnerships in education. I look forward to being a part of that debate.

While we will spend hours on the floor of the Senate debating issues around accountability and assessment, terribly important issues, there is one issue I believe all of us in this body can agree upon, to make certain we ensure that all dollars that are spent on education are spent appropriately and in an efficient way and that most of those dollars end up in the classroom.

This was a conversation I started when I was Governor of Virginia. When I looked around at the Commonwealth of Virginia, where we spend close to \$9 billion a year on public education, I realized that many of the same debates we are having in the Chamber we were having in Virginia at that time. But again, one area where there was complete agreement was to make sure those dollars spent on education were spent efficiently.

Too often school divisions, quite honestly, didn't know how to spend using best practices in terms of bus routes, energy usage, back-office staffing. How do you make sure you can take best practices around—I mentioned this was being done in Virginia, from around the State—and make sure those dollars were better spent, more efficiently, in the classroom.

Well, we looked around the country and we actually found a program in Texas—again, why I am so grateful my friend the Senator from Texas, Mr. CORNYN, has joined me on this amendment. We put in place a program to bring better accountability to our school divisions.

As I mentioned, too many school divisions don't have the ability to assess whether they are spending operational funds in the smartest way. My amendment helps school districts figure out how to be thoughtful about their operations budget, which again allows them to put more money back into their

classrooms. I mentioned this was an initiative I started as Governor back in 2003 in Virginia.

I mentioned as well that Virginia was spending a combined \$9 billion in local, State, and Federal support for public schools. I felt it was very important we make sure that as much of those resources were spent in classroom instruction and not in back-office administrative functions. So, in Virginia, we asked our Department of Planning and Budget to design a school efficiency review program. Our public school divisions actually volunteered—a local school superintendent actually volunteered to work with the State Department of Education. It took some level of trust, but they volunteered to undergo a review of their noninstructional functions, things like human resources, purchasing, facilities, transportation, and food service.

So we launched this program, and over a decade reviews have been conducted in 41 localities around the Commonwealth, in rural, suburban, and urban districts. Over the course of the history of this program, Virginia's program has identified \$45 million in annual potential savings. In Virginia, each review cost an average of about \$110,000 and produced an average annual savings of \$1.1 million, a return in investment of nearly 9-to-1, a return that allowed these dollars to be more valuably spent on instruction.

These reviews recommend common-sense steps: software programs to improve bus transportation routes, enterprise-wide facilities management, best practices in purchasing and personnel, and smart, responsible steps to conserve limited resources and direct those savings into the classroom.

As I mentioned, we initially borrowed this concept from Texas. Since that time, additional States, including Oklahoma, Minnesota, New York, Kansas, and Arizona, have implemented similar programs.

This commonsense best practice should be available to school districts nationwide. That is why I am proud, along with Senator CORNYN, to offer an amendment that will allow States to use their title IX consolidated administrative funds to pay for fiscal support teams. This proposal will empower localities with the information they need to better allocate limited resources so they get a maximum impact in the classroom. I encourage my colleagues on both sides of the aisle to support it. I believe this amendment will be brought up later by either Senator MURRAY or Senator ALEXANDER, and I look forward to its consideration tomorrow.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

(The remarks of Ms. WARREN pertaining to the introduction of S. 1709 are printed in today's RECORD under "Statements of Introduced Bills and Joint Resolutions.")

Ms. WARREN. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HATCH. Madam President, I rise today as the Senate begins its consideration of the Every Child Achieves Act under the leadership of Chairman ALEXANDER and Ranking Member MURRAY—two great leaders who have done a great job on this bill. The HELP Committee, under their leadership, has produced a truly bipartisan effort to find solutions to the seemingly intractable problems facing our educational system. I commend our distinguished chairman and ranking member for their leadership and their commitment to prioritizing concrete results over partisan grandstanding.

While the nature of compromise means that this bill may not be perfect in each Senator's eyes, it represents an opportunity for meaningful reform for America's schools, and I urge my colleagues to support its swift passage.

Ensuring that every child has access to a high-quality education is a top priority shared by all Republicans and Democrats alike. In 2001, I joined 86 of my colleagues in supporting No Child Left Behind to address the shortcomings of our educational system. Despite the best of intentions, No Child Left Behind fell short of true success. Its testing requirements hamper learning by compelling students to take test after test to satisfy the law's various requirements. Its focus on metrics incentivizes schools to report higher graduation rates even if that means pushing out failing students unprepared for the working world. Because of these and other unintended consequences, of course, the current law is in desperate need of reform.

With the Every Child Achieves Act, Congress now has an opportunity to correct the shortcomings of No Child Left Behind. Instead of setting artificial and unattainable requirements, the new legislation allows States to set their own standards for success. It defers to local leaders to formulate goals that are realistic and effective for their districts. It puts parents and teachers in the driver's seat, not Washington bureaucrats.

For years, States have sought relief from burdensome Federal mandates in education, and many States find themselves in untenable positions thanks to Federal law. For example, my home State of Utah has struggled in the past

few years with an impossible decision—either ask for a continuation of Department of Education waiver mandates or fall back on unattainable No Child Left Behind requirements and risk losing crucial Federal funding all together.

Under this new bill, States will continue to develop their own standards and will establish their own accountability systems linked to these standards. States will also be able to say what they want their accountability systems to measure and will be able to determine how well their students are doing based on a variety of important metrics. Maintaining the Federal requirement for statewide annual testing is necessary to ensure transparency on school performance and to set a bar by which States can measure themselves in a comparable fashion.

My colleagues and I were able to make significant improvements to this legislation through the committee and the committee's process. I was especially pleased to see two amendments I care deeply about adopted by voice vote during the committee markup: the Innovative Technology Expands Children's Horizons—or I-TECH—Program and the Education Innovation and Research Program.

Senator BALDWIN and I worked closely to develop I-TECH to ensure that technology in the classroom is coupled with teacher support to give students access to a wide range of personalized learning opportunities. By intertwining technology and traditional teaching methods, we can tailor each student's educational journey to his or her individual needs and learning style to boost achievement.

With the Education Innovation and Research Program, Senator BENNET and I created a flexible funding stream that would allow schools, districts, nonprofits, and small businesses to develop proposals based on the specific needs of students and the community. Funding for that program will be awarded based on an initial evidence-based proposal, with continued funding tied to demonstrated successful outcomes flowing from the project. It is time we start looking at new ways of investing in education, much like we do in other realms. Money should not be tied to what the U.S. Senate or the Federal Department of Education thinks is a good prescriptive idea. It should be tied to local innovation and clear outcomes.

Senator BENNET and I have expounded on that idea by pushing for Pay for Success Initiatives in the underlying bill, as well as in the amendment process on the floor. Pay for Success allows the government to pay only for programs that actually achieve meaningful results. I have offered an amendment to allow funding from the early childhood program to be used in this manner.

My home State of Utah has the first-ever Pay for Success Program designed to expand access to early childhood

education for at-risk children. The Utah High Quality Preschool Program delivers a high-impact, targeted curriculum that increases school readiness and academic performance among 3- and 4-year-olds. As children enter kindergarten better prepared, fewer students will need to use special education and remedial services in kindergarten through 12th grade, allowing schools and States to save money. We should build on this success and empower other States to do the same.

In addition to these cost-saving programs, technology will also improve the quality of education in our country, but advancements in technology must come side-by-side with a conversation on how best to protect our children's privacy. Education technology is a multibillion dollar industry, and it is important to balance the needs for innovation and expansion in schools with reasonable privacy safeguards.

To that end, I joined with the senior Senator from Massachusetts in filing an amendment to this legislation to create a structured commission to study important aspects of the convoluted world of student privacy. The primary law governing this realm—the Family Educational Rights and Privacy Act—was last updated in 2001. Since Congress last acted in this area, there have been significant changes in the way student information is stored and how outside parties use that information. These changes have led to the introduction of numerous proposals to update this outdated law.

The amendment Senator MARKEY and I have introduced strengthens student privacy by requiring a commission to report to Congress on the current mechanisms for transparency, parental involvement, research usage, and third-party vendor usage of student information. The Commission will also be tasked with providing suggestions for improvement. This process will allow privacy experts, parents, school leaders, and the technology industry to provide us with a clear consensus on how best to protect personal data while not hampering development in schools or access to the important data we garner from aggregated student information.

In addition to protecting student privacy, I have introduced another amendment crucial to ensuring success in all schools nationwide. The Every Child Achieves Act asks States to identify low-performing schools and to allow localities to intervene in these schools. One of the greatest tools Congress could give localities in this process would be the power to renegotiate contracts and to reallocate money and policies in more effective ways. Under my amendment, many failing schools would be permitted to ask relief from contracts from vendors and unions, among others. These schools would also be able to renegotiate the terms of these contracts.

Currently, school funding is trapped in a cobweb of unwieldy and com-

plicated vendor contracts and collective bargaining agreements. Old, automatically renewing contracts with janitorial services, transportation vendors, teachers unions, and testing companies represent massive locked-in expenditures. Education leaders need flexibility to enable failing schools to get a fresh start—the same opportunity available to successful charter and private schools. Right now, local leaders' budgets and staffing decisions are largely shaped by forces beyond their control. My amendment will encourage more commonsense change from the Federal level to empower localities to act in the best interest of the students they serve.

The bill we are now considering will make significant improvements to the quality of education in this country and the ability of our students to compete in a global economy once they enter the workforce. I strongly urge my colleagues to support these efforts, and I again express my congratulations and my support to the distinguished chairman and ranking member on this committee, Senator ALEXANDER and Senator MURRAY, who have done a really good job in the best interests of children all over this society.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank the Senator from Utah for his remarks and his contribution to the committee's legislation. He is a former chairman of the Senate's education committee—we call it the Health, Education, Labor and Pensions Committee—and his contributions in this legislation on early childhood education and other matters are awfully important, and I thank him for his work.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, let me just state that this legislation before us is of vital national importance, and I would like to commend Chairman ALEXANDER and Senator MURRAY for their commitment to an open and inclusive debate. They and their staffs have been unflinchingly responsive, helpful, and thoughtful throughout the process. I was a long-standing member of the education committee, having served on the Education and Labor Committee in the other body, and on the Health, Education, Labor and Pensions Committee for 14 years in this body. And I have had the privilege of working with my colleagues over the last two reauthorizations of the Elementary and Secondary Education Act.

So, again, I must commend Senators ALEXANDER and MURRAY for the extraordinary work they have done and also my colleague Senator WHITEHOUSE, who has been a major contributor to this effort. I am hopeful and confident, because of the leadership of Senators ALEXANDER and MURRAY, that we will reach a strong bipartisan outcome on this very important piece of legislation.

I appreciate the opportunity to continue to work with the committee on issues that are very important. The fair and equitable access to the core resources for learning, access to effective school library programs, professional development for teachers and principals, family engagement, and environmental education are all topics I think are critical, and I am very appreciative my colleagues also thought they were important and gave them very thorough and very fair consideration.

I am convinced, if you provide the resources, if you support teachers and principals and you engage families, students will thrive. This legislation reflects that perspective, and I appreciate that very much.

Our challenges and our responsibilities are to create and support learning environments that enable young people to hone their talents, discover their skills, and pursue their passions. In some respects, education is about finding a child's talent—letting them find their talent. If you do that, then stand back, they will do wonderful things for themselves, their communities, and this Nation.

In fact, our Nation is very much dependent upon education to achieve our noblest ideals. As we create educational opportunities for all, we fulfill the basic aspiration of this country. While we know we still have work to do, I am very pleased at the work that has been done so far by the committee.

We are closing the gaps in high school graduation between minority and other students—majority students—but college education gaps are widening, and that is something that must be addressed. The debate we begin today is vital because the Elementary and Secondary Education Act is not just about elementary schools and high schools, it is about preparing young people for what comes next—for college, postsecondary education, for careers, and for contributions to their communities. We have to start at the beginning to get it right in the middle and in the end. Again, Senators ALEXANDER and MURRAY have brought this perspective, this bipartisan approach, and I commend them for it.

This bill is an improvement over current law. The Every Child Achieves Act maintains the critical transparency and high expectations for all students that were the hallmarks of the No Child Left Behind Act. It does so while updating the parts of the law that have become unworkable and counterproductive, such as the overly prescriptive approach to school improvement and corrective action.

I am pleased the Every Child Achieves Act continues Federal support in key areas for building strong and successful schools, including investments in literacy and school library programs, for professional development to strengthen educator effectiveness, and family engagement in education. From the beginning, access

to effective school library programs was a critical part of the Elementary and Secondary Education Act. The results from a recent National Center for Education Statistics survey shows there are still gaps in access to school libraries.

Effective school library programs are essential supports for educational success. Multiple education and literacy studies have produced clear evidence that school libraries staffed by qualified librarians have a positive impact on student achievement.

Now, Senator COCHRAN and I introduced the Strengthening Kids' Interest in Learning and Libraries—SKILLS—Act to ensure that school libraries continue to be a part of the Elementary and Secondary Education Act. The Every Child Achieves Act recognizes this need by including an authorization to provide funds to high-need school districts to support effective school library programs.

Soon we will be voting on an amendment that Senator COCHRAN and I are offering to further integrate school library programs into the core Elementary and Secondary Education Act formula grant programs. I encourage all our colleagues to vote yes on this bipartisan amendment that will support student learning.

I am also pleased that the Every Child Achieves Act recognizes the importance of ensuring that disadvantaged children have access to books in their homes from a very early age. Literacy skills are the foundation for success in school and in life. Developing and building these skills begins at home, with parents as the first teachers.

Senator GRASSLEY and I introduced the Prescribe A Book Act to help address this issue, and the Every Child Achieves Act includes some key provisions from this legislation.

We also know teachers and principals are two of the most important in-school factors related to school achievement. It is essential that teachers, principals, and other educators have a comprehensive system that supports their professional growth and development starting on day one and continuing throughout their careers.

Senator CASEY and I introduced the Better Education Support and Training Act to create such a system. Once again, I am extraordinarily pleased that the Every Child Achieves Act includes many of the provisions of that legislation, particularly the focus on equitable access to experienced and effective educators.

I remain concerned, however, that the failure to define an "inexperienced teacher" will mask inequities and will limit the usefulness of the reporting for parents and communities. I hope we can clarify this issue as we proceed forward.

Family engagement is another critical area this bill addresses. I hope we will be able to strengthen these provisions by increasing the resources that

school districts dedicate to meaningful, evidence-based family engagement activities and by providing a statewide system of technical assistance that supports these efforts.

I have been working with Senators COONS and BENNET on amendments that make these additions to the bill based on the Family Engagement and Education Act that I introduced with Senators COONS and WHITEHOUSE in the past two Congresses.

Most fundamental to the question of whether we move closer to achieving our ideals for educational equity and excellence is resources. The grand bargain of the No Child Left Behind Act was greater accountability coupled with greater resources. We have fallen short on accountability for resources. The authorized level for title I for fiscal year 2007 was \$25 billion. That is in the No Child Left Behind Act. Today, we are nowhere near that level—at only \$14.4 billion.

We need to be just as concerned about opportunity gaps as we are about achievement gaps, and that is why the first bill I introduced this Congress was the Core Opportunity Resources for Equity and Excellence—CORE—Act to establish an accountability mechanism for resource equity. We must look to hold our educational system accountable for both results and for resources.

The Every Child Achieves Act includes some of what I proposed in the CORE Act by bringing some long-overdue transparency to resource equity, requiring States to report on key measures of school quality beyond student achievement on statewide assessments, including student access to experienced and effective educators, access to rigorous and advanced course work, availability of career and technical educational opportunities, and safe and healthy school learning environments.

However, transparency alone is not enough. I am pleased to be working with Senators KIRK, BALDWIN, and BROWN on the opportunity dashboard of core resources amendment, which will add further provisions from the CORE Act; namely, some accountability for action on disparities in access to critical educational resources.

With more than one in five school-aged children living in families in poverty and roughly half of our public school students eligible for free or reduced-price lunches, we cannot afford nor should we tolerate a public education system that fails to provide resources and opportunities for the children who need them the most.

Again, I thank Chairman ALEXANDER and Senator MURRAY for bringing this bill before us so thoughtfully, so carefully, and with so much effort and expertise, and their staffs also. I hope we can work together on this amendment to improve an already excellent bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I simply wish to acknowledge the con-

tributions of the Senator from Rhode Island. He may not officially be on the committee, but he stays actively interested in all of the education issues. He has made important contributions to the pending legislation in support of libraries, and we are working with him on a number of matters, including risk sharing and higher education. So I thank the Senator from Rhode Island for his leadership and his continued interest in better schools and better colleges and universities.

The PRESIDING OFFICER. The Senator from Pennsylvania.

PROTECTING STUDENTS FROM SEXUAL AND VIOLENT PREDATORS ACT

Mr. TOOMEY. Madam President, I rise to speak on S. 474, the Protecting Students from Sexual and Violent Predators Act.

This is a bipartisan bill that Senator JOE MANCHIN and I introduced some time ago. We have been working on this for a while now, and we intend to offer this legislation as an amendment to the pending legislation, the reauthorization of the Elementary and Secondary Education Act.

This is a commonsense bill, designed simply to protect children from child molesters and predators—predators who infiltrate our schools because they know that is where the kids are.

The vast overwhelming majority of school employees, we all know, are people who care very much about kids. It would never occur to them in a million years to do anything to harm the children in their care. But the fact is there are pedophiles in our society—there are predators in our society—and they do in fact look to find opportunities where they will find their prey. So we need protections against these people as they try to infiltrate our schools. These are protections I have been fighting for, for some time now, and I am not going to stop until we get this done.

There are lots of reasons to have this fight. For me, as for so many people, it is personal. I have three young children. They are 15, 13, and 5 years old. When I send my kids to school in the morning and watch my children get on the schoolbus, I have every right to know I am sending my children somewhere where they can be safe, where they can be cared for, where they can be in the safest possible environment, and every other parent deserves that too—every parent across Pennsylvania, every parent across America.

Unfortunately, too many children and too many families have discovered this is not always the case. The horrific story which brought my attention to this cause and my passion for this was the story about a little boy named Jeremy Bell.

The story begins in Delaware County, Pennsylvania. One of the schoolteachers was molesting boys. He was a serial pedophile. He raped a boy. The school officials discovered what was going on. They brought it to the attention of law enforcement, but law enforcement authorities never had

enough strong evidence to make a successful criminal case. The school decided they would dismiss the teacher for sexually abusing students. But, appallingly, the school also helped this teacher get a new job in West Virginia, where he became a teacher, in part because he got a letter of recommendation from the school that knew he was preying on their students. But they wanted him to be someone else's problem, so they gave him a letter of recommendation.

He went to a new school in a nearby State. Eventually, he became a principal. Along the way, of course, he continued his ways, culminating in the rape and murder of a 12-year-old boy named Jeremy Bell. Justice did finally catch up with that monster. He is now in jail serving a life sentence for the murder of Jeremy Bell, but for Jeremy Bell that justice came too late.

We would like to think this is a bizarre and isolated event that could never happen again. Unfortunately, that is not the case. Last year alone, there were 459 school employees arrested across America for sexual misconduct with the children they are supposed to be taking care of—459—and those were the ones where there was enough of a case that the arrest was actually made. It is more than one per day. Twenty-six of them were in my State of Pennsylvania.

Sadly, we are halfway through 2015 now, and we are doing even worse. In the first half of 2015, there have been 265 such arrests. We are on pace to have well over 500 school employees across America arrested for sexual misconduct with the children they are supposed to be taking care of.

Every single one of these stories has a terrible tragedy at the center: a little girl whose sexual abuse began at age 10 and only ended when at 17 years old she found herself pregnant with the teacher's child, a teacher's aide who raped a young, mentally disabled boy in his care, a kindergarten teacher who kept a child in during recess, then forced her to perform sexual acts on him.

This is hard stuff to talk about, but that doesn't make it go away. I think we need to confront it, and the cases are too many to ignore.

Senator MANCHIN and I decided it is time for Congress to act, to do something to make it more difficult for these predators to carry out these appalling acts, so we introduced the Protecting Students Act. It has two important goals, two protections, designed to prevent convicted sex offenders from infiltrating our country's schools. The first is a standard background check process that will catch those who have been convicted. The second feature in our legislation would end this terrible practice we saw in the Jeremy Bell case—the practice of a school knowingly helping a child molester find employment in a new school, a practice called passing the trash.

Now, both of these provisions, both of these ideas have very broad bipartisan

support. The House of Representatives unanimously passed a bill including both protections last Congress, and just last fall Congress voted 523 to 1—both Houses combined voted unanimously, with only one dissenting voice—for even more expansive background check language enacted in the Child Care Development Block Grant that we all voted for, 523 to 1.

In addition, Senator MANCHIN's and my legislation, the Protecting Students Act, has been endorsed by numerous organizations in various categories.

First, child protection groups: National Children's Alliance, which oversees the Nation's Children's Advocacy Centers, the National Center for Missing and Exploited Children, the Pennsylvania Coalition Against Rape, the Children's Defense Fund, the Pennsylvania Partnerships for Children. Law enforcement organizations overwhelmingly support our legislation: the National Association of Police Organizations, the Federal Law Enforcement Officers Association. Prosecutors support Senator MANCHIN's and my bill. The Association of Prosecuting Attorneys and the National District Attorneys Association have both endorsed the bill. The medical professionals at the American Academy of Pediatrics and the Pennsylvania School Board Association, they all have endorsed this legislation, and they have said it has two essential features, two ways in which we would be protecting our kids.

The first is the criminal background check. Let me be clear. Every State in the Union performs some kind of background check already. That is true. That is a fact. The problem is that many of them are woefully inadequate. For instance, several States fail to check all the school workers. They check teachers, for instance, but not nonteachers, and others will check certain criminal databases, but they won't check others, and so they miss convictions.

Our legislation, Protecting Students Act, requires that if a school wants to accept Federal funds, it has to perform background checks on all adult workers who have unsupervised access to children. That would be both new hires and existing employees.

Many States have only recently adopted background check policies. Many employees were hired before they put the background check policies in place, so many of these employees were never subject to a background check.

Consider the case of 64-year-old William Vahey, who taught for decades across America and across the globe at some of the world's most elite schools. He would give his young students Oreo cookies laced with narcotics. While the boys slept, the teacher molested them and photographed them. Scores of children were sexually abused. This teacher had been convicted for sexual abuse of children in California when he was in his twenties, but he was hired before many States had background check re-

quirements, and therefore he was grandfathered into the system. The Protecting Students Act ensures that convicted sex offenders like William Vahey will be discovered and they will not be hired.

It also would include contractors. There are 12 States that don't require background checks for contractors at all. This fact recently gave Montana parents a rude awakening.

An audit of Montana's busdrivers found that 123 drivers had criminal histories, including 1 driver whose conviction landed him on the Sexual and Violent Offender Registry and 1 with an outstanding arrest warrant.

Running checks is really only helpful if the checks are thorough enough to find all convictions. So our legislation would require the four major databases to be checked: the FBI fingerprint check in the National Crime Information Center database, the National Sex Offender Registry, the State criminal registry, and State child abuse and neglect registries. These background check requirements constitute the first part of our bill. As I said, this was passed unanimously in the House. I wouldn't think this would be controversial.

The second part of our bill is equally important, and that is the part which precludes passing the trash. It addresses the terrible acts that led to and made it possible for little Jeremy Bell to be raped and murdered. What this provision says is that if a school wishes to receive Federal funds, the school may not knowingly help a child molester obtain a new teaching job. I would think this would not be controversial. The practice, as I alluded to before, has become so common, sadly, that it has its own moniker. It is called passing the trash. It has become all too prevalent.

I see that the Senator from Tennessee would like to address the body.

Mr. ALEXANDER. Will the Senator yield—

Mr. TOOMEY. I will.

Mr. ALEXANDER. For the purpose of allowing me consent to take up several amendments, including Senator TOOMEY's amendment, which he has worked on so hard for a long period of time and he and I have discussed? This will take about 60 seconds, if he permits this. Senator MURRAY is here.

I thank the Senator for his indulgence.

I ask unanimous consent that the following amendments be offered by the two bill managers or their designees in the following order: Fischer, No. 2079; Peters, No. 2095; Rounds, No. 2078; Reed, No. 2085; and Warner, No. 2086.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2079 TO AMENDMENT NO. 2089

Mr. ALEXANDER. On behalf of Senator FISCHER, I call up amendment No. 2079 and ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk shall report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER], for Mrs. FISCHER, proposes an amendment numbered 2079 to amendment No. 2089.

The amendment is as follows:

(Purpose: To ensure local governance of education)

On page 800, between lines 17 and 18, insert the following:

SEC. 9115A. LOCAL GOVERNANCE.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 4001(3), 9114, and 9115, and redesignated by section 9106(1), is further amended by adding at the end the following:

“SEC. 9540. LOCAL GOVERNANCE.

“(a) **RULE OF CONSTRUCTION.**—Nothing in this Act shall be construed to allow the Secretary to—

“(1) exercise any governance or authority over school administration, including the development and expenditure of school budgets, unless otherwise authorized under this Act;

“(2) issue any regulation without first complying with the rulemaking requirements of section 553 of title 5, United States Code; or

“(3) issue any non-regulatory guidance without first, to the extent feasible, considering input from stakeholders.

“(b) **AUTHORITY UNDER OTHER LAW.**—Nothing in subsection (a) shall be construed to affect any authority the Secretary has under any other Federal law.”

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2095 TO AMENDMENT NO. 2089

Mrs. MURRAY. On behalf of Senator PETERS, I call up amendment No. 2095 and ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk shall report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. PETERS, proposes an amendment numbered 2095 to amendment No. 2089.

The amendment is as follows:

(Purpose: To allow local educational agencies to use parent and family engagement funds for financial literacy activities)

On page 172, line 25, insert “financial literacy activities and” before “adult education”.

AMENDMENT NO. 2078 TO AMENDMENT NO. 2089

Mr. ALEXANDER. On behalf of Senator ROUNDS, I call up amendment No. 2078 and ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk shall report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER], for Mr. ROUNDS, proposes an amendment numbered 2078 to amendment No. 2089.

The amendment is as follows:

(Purpose: To require the Secretary of Education and the Secretary of the Interior to conduct a study regarding elementary and secondary education in rural or poverty areas of Indian country)

On page 723, after line 23, insert the following:

SEC. 7006. REPORT ON ELEMENTARY AND SECONDARY EDUCATION IN RURAL OR POVERTY AREAS OF INDIAN COUNTRY.

(a) **IN GENERAL.**—By not later than 90 days after the date of enactment of this Act, the Secretary of Education, in collaboration with the Secretary of the Interior, shall conduct a study regarding elementary and secondary education in rural or poverty areas of Indian country.

(b) **REPORT.**—By not later than 270 days after the date of enactment of this Act, the Secretary of Education, in collaboration with the Secretary of the Interior, shall prepare and submit to Congress a report on the study described in subsection (a) that—

(1) includes the findings of the study;

(2) identifies barriers to autonomy that Indian tribes have within elementary schools and secondary schools funded or operated by the Bureau of Indian Education;

(3) identifies recruitment and retention options for highly effective teachers and school administrators for elementary school and secondary schools in rural or poverty areas of Indian country;

(4) identifies the limitations in funding sources and flexibility for such schools; and

(5) provides strategies on how to increase high school graduation rates in such schools, in order to increase the high school graduation rate for students at such schools.

(c) **DEFINITIONS.**—In this section:

(1) **ESEA DEFINITIONS.**—The terms “elementary school”, “high school”, and “secondary school” shall have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) **INDIAN COUNTRY.**—The term “Indian country” has the meaning given the term in section 1151 of title 18, United States Code.

(3) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

AMENDMENT NO. 2085 TO AMENDMENT NO. 2089

Mrs. MURRAY. On behalf of Senator REED, I call up amendment No. 2085 and ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk shall report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. REED, proposes an amendment numbered 2085 to amendment No. 2089.

The amendment is as follows:

(Purpose: To amend the Elementary and Secondary Education Act of 1965 regarding school librarians and effective school library programs)

On page 69, after line 25, insert the following:

“(ii) assist local educational agencies in developing effective school library programs to provide students an opportunity to develop digital literacy skills and to help ensure that all students graduate from high school prepared for postsecondary education or the workforce without the need for remediation; and”

On page 107, between lines 17 and 18, insert the following:

“(B) assist schools in developing effective school library programs to provide students an opportunity to develop digital literacy skills and to help ensure that all students graduate from high school prepared for postsecondary education or the workforce without the need for remediation; and”

On page 282, strike lines 18 and 19 and insert the following:

“(xiii) Supporting the instructional services provided by effective school library programs.”

On page 305, strike lines 14 and 15 and insert the following:

“(M) supporting the instructional services provided by effective school library programs.”

On page 364, line 9, insert “school librarians,” after “personnel.”

On page 365, line 10, insert “school librarians,” after “support personnel.”

On page 771, lines 12 and 13, strike “and speech language pathologists,” and insert “, speech language pathologists, and school librarians”.

AMENDMENT NO. 2086 TO AMENDMENT NO. 2089

Mrs. MURRAY. On behalf of Senator WARNER, I call up amendment No. 2086 and ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk shall report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. WARNER, proposes an amendment numbered 2086 to amendment No. 2089.

The amendment is as follows:

(Purpose: To enable the use of certain State and local administrative funds for fiscal support teams)

On page 772, after line 23, insert the following:

SEC. _____ . CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

Section 9201(b)(2) (20 U.S.C. 7821 (b)(2)) is amended—

(1) in subparagraph (G), by striking “and” after the semicolon;

(2) in subparagraph (H), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(I) implementation of fiscal support teams that provide technical fiscal support assistance, which shall include evaluating fiscal, administrative, and staffing functions, and any other key operational function.”

SEC. _____ . CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

Section 9203(d) (20 U.S.C. 7823(d)) is amended to read as follows:

“(d) **USES OF ADMINISTRATIVE FUNDS.**—

“(1) **IN GENERAL.**—A local educational agency that consolidates administrative funds under this section may use the consolidated funds for the administration of the programs and for uses, at the school district and school levels, comparable to those described in section 9201(b)(2).

“(2) **FISCAL SUPPORT TEAMS.**—A local educational agency that uses funds as described in 9201(b)(2)(I) may contribute State or local funds to expand the reach of such support without violating any supplement, not supplement requirement of any program contributing administrative funds.”

Mr. ALEXANDER. I ask unanimous consent that it be in order for Senator TOOMEY to offer amendment No. 2094 to background checks during today’s session of the Senate, with side-by-sides by each bill manager, if applicable, and that no second-degree amendments be in order to the Toomey or side-by-side amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I thank the Chair and the Senator from Pennsylvania. I interrupted his remarks, but I thought it was important to make sure that the full Senate consented to an ability to deal with an issue he has worked on for so long.

I thank the Senator.

Mr. TOOMEY. Madam President, I am claiming my time. I want to thank Senator ALEXANDER for the sincere effort we have been engaged in for some time to find our common ground on this. I appreciate his constructive efforts. I know they are continuing, and I hope we will be able to reach an agreement on this. I thank the Senator.

PROTECTING STUDENTS FROM SEXUAL AND
VIOLENT PREDATORS ACT

I was talking about the second part of our legislation. The first part is requiring background check standards that would actually work. The second part is a provision that would forbid this terrible practice known as passing the trash. When we hear the idea that a school, a principal, a superintendent or a school district would knowingly and willfully recommend for hire a known predator, it strikes us as so morally repulsive that we think this couldn't really seriously happen except in the most bizarre and unusual circumstances. I wish that were the case. It is not the case. The fact is it happens.

Let me give you an example. In February, WUSA News 9 reported some really shocking news on the public school system of Montgomery County, Maryland. Since 2011, 21 Montgomery County public school workers have been investigated for child sexual abuse or exploitation. The news station learned that the Montgomery County school system "keeps a 'confidential database' of personnel who demonstrate 'inappropriate or suspicious behavior' toward children—a watch list of suspected abusers who are working in area schools."

WUSA 9 learned that the school system has a record of passing the trash. For example, elementary school teacher Daniel Picca abused children for 17 years. The school system knew. What did they do? The teacher was punished. You know what his punishment was? It was to assign him to another school again and again—17 years of passing a known child molester from one elementary school to another.

This is appalling. This has to stop. It has to stop now. The Federal Government can play a role in stopping it. Frankly, only the Federal Government can play a role because sometimes the passing the trash occurs across State lines, as in the case of Jeremy Bell.

Or, for example, more recently, a Las Vegas, NV, kindergarten teacher was arrested for kidnapping a 16-year-old girl and infecting her with a sexually transmitted disease. That same teacher had molested six children, all fourth and fifth graders, several years before while working as a teacher in Los An-

geles, CA. The Los Angeles school district knew about these allegations. In fact, in 2009 the school district recommended settling a lawsuit—a suit that alleged that the teacher had molested the children. The school district wanted to settle.

When this teacher came across the State lines to Nevada to work, the Nevada school district specifically asked if there had been any criminal concerns regarding the teacher. The Los Angeles school district not only hid the truth, not only hid what they knew about this molester, but it provided three references for the teacher.

For those folks who suggest that States can solve this problem on their own, I have a question: What in the world can Nevada do about the behavior that is occurring in California? Since when can the laws of one State reach into and be enforced in another State?

I know the answer. It can't. It doesn't work. The only way to deal with this cross-border abuse, this horrendous abuse of kids, is with Federal legislation.

The Toomey-Manchin bill that we are going to be offering as an amendment to this underlying legislation has a simple proposition: If a school district wants to take Federal tax dollars, it can't use that money to hire convicted sexual offenders of kids.

Is that really unreasonable? Is that really too much to ask? To accomplish that, the school district has to perform a criminal background check on those workers who have unsupervised access to children. The school district must prevent passing the trash. That has to be illegal. It has to be illegal to knowingly and willfully recommend for hire a pedophile who is molesting children. There is no one who can stand here and tell me these protections against child sexual predators are not urgently needed—not when more than one person is being arrested every day across America for committing sexual crimes against children and the rate at which these people are being arrested is accelerating.

What is more urgent than that? The Protecting Students Act has overwhelming bipartisan support. As I said earlier, the House passed this legislation unanimously last Congress—unanimously. How many things can pass the House unanimously? This did. The entire Congress, the House and Senate together, adopted that virtually identical background check requirements be imposed for kids at daycares, younger children, by a vote of 523 to 1.

We have already vetted this. We have already been down this road. This body and the House have expressed their support for this. I would remind my colleagues that the Protecting Students Act has been endorsed by many, many groups. I rattled off several of them: Child protection groups, law enforcement groups, prosecutors, the medical professionals at the American Academy of Pediatrics, and the Penn-

sylvania School Board Association. The Toomey-Manchin proposal is the only proposal that is endorsed by these groups.

We know there are going to be alternatives. There are going to be side-by-sides. Those alternatives do not have the endorsements of these organizations, for reasons that we may need to elaborate on later.

Finally, there are 459 arrests—more than one a day. Every single one of those represents a tragedy—a childhood that has been shattered, a family that has been torn by grief, by self-blame, by betrayal. The numbers aren't staying the same. The numbers are growing. The problem is getting worse.

How many more arrests do we need before the Senate decides that it is time that we do our part to protect these kids? Children of America have waited long enough, and I say no more waiting—no more passing child molesters into new schools so they can find new victims, no more defenseless children such as Jeremy Bell falling victim to a known child predator, no more excuses for not enacting a bill that the House of Representatives has passed unanimously over a year ago.

I urge my colleagues to support the Protecting Students from Sexual and Violent Predators Act and to vote aye when I offer it as an amendment this week.

AMENDMENT NO. 2094 TO AMENDMENT NO. 2089

Madam President, I ask to set aside the pending amendment in order to call up amendment No. 2094.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. TOOMEY] proposes an amendment numbered 2094 to amendment No. 2089.

Mr. TOOMEY. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To protect our children from convicted pedophiles, child molesters, and other sex offenders infiltrating our schools and from schools "passing the trash"—helping pedophiles obtain jobs at other schools)

At the end of title IX, add the following:

SEC. _____ . PROTECTING CHILDREN FROM CHILDREN FROM CONVICTED PEDOPHILES, CHILD MOLESTERS, AND OTHER SEX OFFENDERS.

Title IX (20 U.S.C. 7801 et seq.), as amended by this title, is further amended by adding at the end the following:

"PART H—SCHOOL EMPLOYEE BACKGROUND CHECKS

"SEC. 9651. SHORT TITLE.

"This part may be cited as the 'Protecting Students from Sexual and Violent Predators Act'.

"SEC. 9652. DEFINITION OF SCHOOL EMPLOYEE.

"In this part, the term 'school employee' means—

"(1) a person who—

"(A) is an employee of, or is seeking employment with, an elementary school, secondary school, local educational agency, or State educational agency, that receives funds under this Act; and

“(B) as a result of such employment, has (or will have) a job duty that results in unsupervised access to elementary school or secondary school students; or

“(2) a person, or an employee of a person, who—

“(A) has a contract or agreement to provide services with an elementary school, secondary school, local educational agency, or State educational agency, that receives funds under this Act; and

“(B) as a result of such contract or agreement, the person or employee, respectively, has a job duty that results in unsupervised access to elementary school or secondary school students.

“SEC. 9653. BACKGROUND CHECKS.

“(a) **BACKGROUND CHECKS.**—Not later than 2 years after the date of enactment of the Every Child Achieves Act of 2015, each State educational agency, or each local educational agency in any case where State law designates a local educational agency to carry out the requirements of this part, that receives funds under this Act shall, as a condition of receiving such funds, have in effect policies and procedures that—

“(1) require that a criminal background check be conducted for each school employee that includes—

“(A) a search of the State criminal registry or repository of the State in which the school employee resides;

“(B) a search of State-based child abuse and neglect registries and databases of the State in which the school employee resides;

“(C) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

“(D) a search of the National Sex Offender Registry established under section 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919);

“(2) prohibit the employment of a school employee as a school employee if such employee—

“(A) refuses to consent to a criminal background check under paragraph (1);

“(B) makes a false statement in connection with such criminal background check;

“(C) has been convicted of a felony consisting of—

“(i) murder;

“(ii) child abuse or neglect;

“(iii) a crime against children, including child pornography;

“(iv) spousal abuse;

“(v) a crime involving rape or sexual assault;

“(vi) kidnapping;

“(vii) arson; or

“(viii) physical assault, battery, or a drug-related offense, committed on or after the date that is 5 years before the date of such employee’s criminal background check under paragraph (1); or

“(D) has been convicted of any other crime that is a violent or sexual crime against a minor;

“(3) require that each criminal background check conducted under paragraph (1) be periodically repeated or updated in accordance with State law or the policies of local educational agencies served by the State educational agency;

“(4) upon request, provide each school employee who has had a criminal background check under paragraph (1) with a copy of the results of the criminal background check;

“(5) provide for a timely process, by which a school employee may appeal, but which does not permit the employee to be employed as a school employee during such appeal, the results of a criminal background check conducted under paragraph (1) which prohibit the employee from being employed

as a school employee under paragraph (2) to—

“(A) challenge the accuracy or completeness of the information produced by such criminal background check; and

“(B) establish or reestablish eligibility to be hired or reinstated as a school employee by demonstrating that the information is materially inaccurate or incomplete, and has been corrected;

“(6) ensure that such policies and procedures are published on the website of the State educational agency and the website of each local educational agency served by the State educational agency; and

“(7) allow a local educational agency to share the results of a school employee’s criminal background check recently conducted under paragraph (1) with another local educational agency that is considering such school employee for employment as a school employee.

“(b) **FEEES FOR BACKGROUND CHECKS.**—

“(1) **CHARGING OF FEES.**—The Attorney General, attorney general of a State, or other State law enforcement official may charge reasonable fees for conducting a criminal background check under subsection (a)(1), but such fees shall not exceed the actual costs for the processing and administration of the criminal background check.

“(2) **ADMINISTRATIVE FUNDS.**—A local educational agency or State educational agency may use administrative funds received under this Act to pay any reasonable fees charged for conducting such criminal background check.

“PART I—BAN ON AIDING AND ABETTING CHILD SEXUAL ABUSE THROUGH ‘PASSING THE TRASH’

“SEC. 9661. BAN ON AIDING AND ABETTING CHILD SEXUAL ABUSE THROUGH ‘PASSING THE TRASH’.

“Each State or State educational agency, or each local educational agency in any case where State law designates a local educational agency to carry out the requirements of this part, that receives funds under this Act shall, as a condition of receiving such funds, have in effect laws, regulations, or policies and procedures that prohibit any agency or person from transferring, or facilitating the transfer of, any school employee if the agency or person knows, or recklessly disregards information showing, that such school employee engaged in sexual misconduct with a minor in violation of law.”

The **PRESIDING OFFICER**. The Senator from Vermont.

NOMINATION OF KARA FARNANDEZ STOLL

Mr. LEAHY. Madam President, today, we are finally, finally going to vote on the nomination of Kara Farnandez Stoll to serve as a judge on the United States Court of Appeals for the Federal Circuit. She is superbly qualified, and once confirmed, she will be the first woman of color to serve on the Federal Circuit.

She has the strong endorsement of the non-partisan Hispanic National Bar Association as well as from the Federal Circuit Bar Association, and the American Intellectual Property Law Association. In its letter of support to the Judiciary Committee, the Hispanic National Bar Association, HNBA, wrote that their due diligence has confirmed that Ms. Farnandez Stoll “maintains the highest ethical and professional standards. She is also competent and hardworking. Her litigation experience, commitment to public service, and temperament make her an ideal

candidate for a court appointment.” I could not agree more. So why did it take so long for the Republican leadership to schedule a confirmation vote for this uncontroversial, highly qualified, and historic nominee?

The President nominated Ms. Farnandez Stoll last year—nearly 8 months ago. The Senate Judiciary Committee unanimously reported her nomination to the full Senate more than 2 months ago. There is no good reason why her confirmation vote has been stalled over and over again.

Unfortunately, the Republican majority’s treatment of Ms. Farnandez Stoll’s nomination is more pattern than aberration. Six months into this new Republican-led Congress that was supposed to move forward on things and the Senate has only confirmed a handful of judges. In fact, it has been more than 6 weeks since a vote was even scheduled by the majority leader for a single judicial nominee. This glacial pace of confirmations is a dereliction of the Senate’s constitutional duty to provide advice and consent on judicial nominees. Many are concerned that such treatment threatens the functioning of our independent judiciary.

We have 11 other consensus judicial nominations pending on the Senate Executive Calendar in addition to Ms. Farnandez Stoll. No one can credibly claim that the majority’s slow pace in scheduling confirmation votes is due to a lack of nominees. This group includes another nominee who has received the strong support of the HNBA—Armando Bonilla—one of five pending nominees to the U.S. Court of Federal Claims, CFC. Like Ms. Farnandez Stoll, Mr. Bonilla’s confirmation will be an historic milestone—when confirmed he will be the first Hispanic judge to hold a seat on the CFC.

In less than 48 hours, the Judiciary Committee is expected to report out another HNBA-endorsed nominee, Luis Felipe Restrepo, who will fill a judicial emergency vacancy on the U.S. Court of Appeals for the Third Circuit. Judge Restrepo was unanimously confirmed 2 years ago by the Senate to serve as a district court judge in Pennsylvania. I have heard no objection to his nomination, yet it took 7 months just to get him a hearing. Once confirmed, Judge Restrepo will be the first Hispanic judge from Pennsylvania to ever serve on this court and only the second Hispanic judge to serve on the Third Circuit.

If Senate Republicans had an issue with any of the pending nominees or if they sought time to debate them on the floor, some of the delay might be understandable. But no Senator has spoken in opposition to any of the pending nominees. In fact, the Senate Judiciary Committee reported all 11 of them by voice vote. Instead of receiving timely consideration of their nominations, however, these uncontroversial nominees have not been treated fairly by the Senate majority.

There is a different way to lead. In the last 2 years of George W. Bush's term, Democrats came into the majority. Some thought we would slow up his judges. We did not. I served as chairman of the Judiciary Committee during those last 2 years of President George W. Bush's administration and we confirmed 68 district and circuit court judges during that time. In fact, by this time in the seventh year of the Bush administration, the Democratic-controlled Senate had confirmed 21 judges—including 18 district and 3 circuit court judges. Compare that to this seventh year of the Obama administration under Republican control, in which the Senate has thus far confirmed just four district court judges this year. Just four. Now this is outrageous. It hurts. It politicizes the Federal bench. It hurts the rules of law in this country.

So under a Democratic majority with a Republican President, we confirmed five times more judges than the Senate Republican majority has allowed under their control of the Senate for a Democratic President. The disparity of treatment is clear, and it is wrong. Incidentally, that is the same way we did it when Democrats took over control of the Senate during the last 2 years of President Reagan's term. We moved judges at a much faster pace than anything Republicans have allowed us to do under President Obama. This is wrong. This is petty partisanship that hurts our independent judiciary. We are not asking for anything special but we are saying it would be nice if Republicans treated Democrats the same way we treated them.

We should also not forget the rising number of judicial vacancies in our Federal courts. At the start of this Congress, there were 44 vacancies, including 12 vacancies deemed "judicial emergencies" by the nonpartisan Administrative Office of the U.S. Courts. That number has climbed to 63 vacancies, including 27 "judicial emergency" vacancies on our district and circuit courts. The vast majority of these vacancies are concentrated in States with at least one Republican home State Senator. Of particular concern are four circuit court "judicial emergency" vacancies: two in Texas, one in Alabama, and one in Kentucky. Each vacancy has been left open for well over a year, including one in Texas that has remained vacant for almost 3 years.

All Senators know that it is our constitutional duty to provide advice and consent on judicial nominees. When it comes to filling vacancies on the Federal courts in our State, we have unique insight into our States' legal communities to share with the President before he makes a nomination. Americans expect us to do our jobs and in the Senate that includes ensuring their access to the Federal courts. I urge all Senators to work with the President to fill the growing number of judicial vacancies in their States.

We will at least make some small progress today as we finally take up Ms. Farnandez Stoll's nomination. Her extensive experience on issues that come before the Federal Circuit will serve the court well. She is currently a partner at Finnegan, Henderson, Farabow, Garrett and Dunner, a law firm specializing in intellectual property law. Ms. Farnandez Stoll also teaches as an adjunct professor at George Mason University Law School. Before practicing law, Ms. Farnandez Stoll was a patent examiner in the U.S. Patent and Trademark Office. Ms. Farnandez Stoll received her B.S. in electrical engineering from Michigan State University in 1991 and her J.D. from Georgetown University Law School in 1997. Upon graduating from law school, she served as a law clerk to Federal Circuit Judge Alvin Schall. I trust that her background and the reputation she has earned in the legal community will serve her well as she begins this new chapter.

I congratulate Ms. Farnandez Stoll on what I expect will be her successful, albeit long overdue, confirmation. I urge the Senate leadership to act responsibly by scheduling votes for the other 11 uncontroversial judicial nominees still pending on the Executive Calendar.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF KARA FARNANDEZ STOLL TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Kara Farnandez Stoll, of Virginia, to be United States Circuit Judge for the Federal Circuit.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Kara Farnandez Stoll, of Virginia, to be United States Circuit Judge for the Federal Circuit?

Mr. LEAHY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Arizona (Mr. FLAKE), the Senator from Ohio (Mr. PORTMAN), and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Maine (Mr. KING) is necessarily absent.

I further announce that, if present and voting, the Senator from Maine (Mr. KING) would vote "yea."

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 221 Ex.]

YEAS—95

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

NOT VOTING—5

Cruz	King	Rubio
Flake	Portman	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Nebraska.

MORNING BUSINESS

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

LOCAL GOVERNANCE IN EDUCATION

Mrs. FISCHER. Mr. President, this summer parents across the country will be preparing their children for the coming school year. Whether unwinding on a family break, purchasing school supplies, returning summer reading books to the library or finishing summer camp, it will almost be time to go back to school.

We owe so much to our hard-working educators. They are the role models for our children who provide invaluable