governments are a party, and for other purposes.

S. 2303

At the request of Mr. BURR, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2303, a bill to amend section 435(o) of the Higher Education Act of 1965 regarding the definition of economic hardship.

S. RES. 299

At the request of Mr. MENENDEZ, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. Res. 299, a resolution recognizing the religious and historical significance of the festival of Diwali.

S. RES. 321

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 321, a resolution expressing the sense of the Senate regarding the Israeli-Palestinian peace process.

S. RES. 356

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 356, a resolution affirming that any offensive military action taken against Iran must be explicitly approved by Congress before such action may be initiated.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 2309. A bill to amend title 38, United States Code, to clarify the service treatable as service engaged in combat with the enemy for utilization of non-official evidence for proof of service-connection in a combat-related disease or injury; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce the proposed Compensation for Combat Veterans Act. This legislation would remove a barrier to the fair adjudication of claims for VA benefits filed by veterans who have disabilities incurred or aggravated by their military service in combat areas. Under existing law, veterans who can establish that they served in combat do not have to produce official military records to support their claim for disabilities related to that service.

At present, some veterans, disabled by their service in Iraq and Afghanistan as well as those who served earlier in Korea and Vietnam, are unable to benefit from this liberalizing evidentiary requirement because they have difficulty proving personal participation in combat by official military documents.

Under an opinion of the Department of Veterans Affairs General Counsel, VA GC Opinion 12–99, veterans must establish by official military records or decorations that they ''personally participated in events constituting an actual fight or encounter with a military foe or hostile unit or instrumentality.'' Oversight visits by Committee staff to VA regional offices have found claims denied as a result of this policy because those who served in combat zones were not able to produce official military documentation of their personal participation in an actual fight.

Some of these cases include a Marine Combat Engineer serving in Iraq who encountered IEDs, an Army veteran accidently shot in Iraq by a fellow servicemember, and an Army Infantryman whose records showed participation in the Tet offensive of 1968, but not ''personal participation in an actual fight.'' In other cases, extensive delays in claims processing occur while VA adjudicators attempt to obtain official military documents showing that a Marine who served in Bagdad or Fallujah was personally exposed to IEDs.

The legislation I am introducing would overturn the General Counsel precedent opinion. I believe that the requirement in that opinion is inconsistent with the original intent of Congress in liberalizing the requirements for proof of service-connection in cases involving veterans who served in combat areas. As the Senate noted in 1941, in the report on the original bill providing special consideration for combat veterans:

> The absence of an official record of care or treatment in many of such cases is readily explained by the conditions surrounding the service of combat veterans. It was emphasized in the hearings that the establishment of records of care or treatment of veterans in other than combat areas, and particularly in the States, was a comparatively simple matter as compared with the veteran who served in combat. Either the veteran attempted to carry on despite his disability to avoid having a record made lest he might be separated from his organization or, as in many cases, the records themselves were lost.

S. Rep. 77–902 to H.R. 4905 at 2.

While some improvements have been made since 1941 in obtaining and maintaining records in combat areas, record keeping and transmittal of records in combat areas remains problematic.

This bill would require that, in cases in which the veteran can demonstrate service in a recognized combat area and alleges disabilities related to that service the relaxed evidentiary principles intended by the Congress would apply, with no requirement for further evidence from the veteran regarding his or her specific activity.

I urge all of my colleagues to support this measure, so that combat veterans of the current conflicts, as well as those who served in earlier conflicts, can receive the benefits they deserve in a timely manner.

---

By Mr. ALEXANDER:

S. 2312. A bill to amend title VI of the Elementary and Secondary Education Act of 1965 to provide for State student achievement contracts; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, Senators KENNEDY and ENZI have recently said that early in 2008 the Senate will consider whether to authorize No Child Left Behind.

That law, which was enacted in 2001 as a part of the regular 5-year reauthorization of the Elementary and Secondary Education Act, required every State to set standards for math and reading and to test each child once a year in grades 3 through 8, and once in high school, in order to measure their progress toward meeting these State standards. In addition, the law requires States to report the results in a disaggregated way, meaning according to racial, ethnic, socioeconomic status, disability, and limited English proficiency, report the status of the children so it would be clearer whether groups of children are being left behind in their academic progress.

So my purpose today is, first, to announce my support for the reauthorization of the No Child Left Behind Act but ask that we find a better way to do the job of reporting results. We should be trying to catch schools doing things right rather than seeming to penalize them for doing things wrong.

Second, to introduce legislation providing for greater flexibility in administering the law for up to a dozen States, if those States agree to maintain a high level or increase the rigor of the program, their standard-setting process, and reporting requirements.

Third, to express my concerns about early drafts and proposals of reauthorizing legislation that seem to require more Federal control and less State responsibility for results—the reverse of what we should be seeking to achieve.

Finally, I wish to call attention to several parts of the legislation that need to be strengthened and expanded: Support for teaching American history; the Teacher Incentive Fund; charter schools, which I know the Presiding Officer has been very interested in for a long time; and State collection of data to aid States in measuring student progress.

First, support for reauthorization. I have decided to cosponsor the No Child Left Behind Act of 2007, which has been authored by Senators Burr and Gregg, because I believe it represents a sound foundation for eventual reauthorization of the legislation. This legislative draft leaves in place the framework of the 2001 law: high goals, State standards, and disaggregated reporting of results, and it addresses some obvious deficiencies in the existing legislation, including more flexibility in helping children learn English, in measuring the progress of children with disabilities, and in how to report the progress of children who make great progress but still fall behind their goals. This bill—the Burr-Gregg bill—does not retreat from the bold goal that all children will be proficient in reading and math according to each State's standards by the 2013–2014 school year. Some have argued that sets schools up for failure. I would argue it is the American way to set high goals and then to

attempt to reach them. Our Declaration of Independence does not say ''life, liberty, and the pursuit of happiness'' for 80 percent of us. Our national character is not that some things are possible. Rightly or wrongly, we Americans uniquely believe that anything is possible for all of us, and much of our politics and debates in this body are about dealing with the disappointment of not reaching high goals that we set for ourselves, and then, of course, we set out and try again to achieve them.

I do think we would be wise to find a different way to talk about the progress of schools in reaching those high goals. Most schools, at least today, are succeeding in reaching their State's No Child Left Behind standards. There are more than 100,000 schools in the United States. According to the U.S. Department of Education, over 20 percent of those—21,000—did not make adequate yearly progress. Of those 21,000 schools, about one-fourth missed their goals by one subgroup of students.

The same is true in Tennessee. According to our Department of Education, there are 1,710 public schools. There were 245—or 15 percent—which did not make adequate yearly progress. Of those, 127 didn't do it because of one subgroup.

Therefore, I suggest we find a different way to talk about progress. Schools that reach their goals might be called ''high-achieving schools.'' Schools that do so for more than 1 year in a row might be called the ''highest achieving schools.'' Schools that, on the other hand, miss their goal by only one subgroup might be called ''achieving schools,'' and those that do not do as well might be called priority schools.

Second: A new State contract for flexibility. I am introducing today the State Student Achievement Contract which I will work to make a part of No Child Left Behind. The idea is simple: Now that we have 5 years of experience with No Child Left Behind, we should toss the ball back to at least some States and see whether those States can implement the law with at least as much rigor in reporting, more flexibility, and more innovation.

I know if the Presiding Officer and I were still Governors of our respective States, we would want to try that over the next 5 years.

This proposal would allow up to 12 States to negotiate with the U.S. Secretary of Education to enter into a State student achievement contract, which would permit States to improve their own systems of accountability, and in exchange, receive the necessary flexibility to innovate on finding ways to close the achievement gap.

In other words, instead of saying: ''Do it exactly this way'' to the States, the Federal Government would be saying: ''Give us results, and we will give you more flexibility.''

In determining which States would be eligible for this new contract, the Secretary would expect States to increase their standards, assessments, and expectations of students.

Washington, DC, itself is not going to make schools better in Wilmington, Maryville, Kansas City, and Sacramento. This can only happen locally, when parents, teachers, communities, and State officials take charge. In fact, No Child Left Behind is simply an extension of the State standards movement that began in the 1980s in most States. While it requires the setting of standards and requires public reporting, the solution to the problem of low-achieving students is left in the hands of communities, where it must be left. In fact, only 8 percent of funding of public schools comes from the Federal Government.

So this proposal seeks to recognize that solutions are local, to encourage those States that are trying the boldest programs, and to permit the flexibility needed to achieve those results.

Third, creeping Federal control. One reason I have introduced the State contract proposal is I don't want the reauthorization of No Child Left Behind to become a vehicle for increased Federal control of local schools. In fact, now that the first 5 years of confusion and learning the new law are completed, there ought to be fewer Federal requirements, not more. After all, the law is essentially a requirement for State standards and reporting disaggregated results.

But, unfortunately, Washington doesn't work that way. Our motto seems to be: Once we have stuck our noses into something, we will meddle with it forever. In some of the early drafts of No Child Left Behind, I have seen examples of increased Federal regulation that in my view offer the prospect of more Federal control and less local accountability. It ought to be the other way around.

Finally, there are three special provisions of No Child Left Behind that, based upon the first 5 years' experience, need to be expanded.

One, teaching American history. The late Albert Shanker, president of the American Federation of Teachers, once said the rationale for a public school is to teach immigrant children the three Rs and what it means to be an American, with the hope they would go home and teach their parents. Yet the lowest test scores for American high school seniors is not math or reading or science, it is U.S. history. Senators KENNEDY, ENZI, and I have worked to create some new provisions for this reauthorization which would encourage putting the teaching of American history back in its rightful place in our schools so our children can grow up learning what it means to be an American. These provisions include: The teaching traditional American history provision. That was put in 5 years ago. It is a program of grants to school districts to encourage professional development and teaching of American history. It has been very successful. Senator KENNEDY and Senator BYRD have had a major part in this law.

Next, Presidential and congressional academies. The pilot programs for these summer academies for outstanding teachers and students of American history have been low cost and very successful. It is my hope that in a partnership with States and the private sector, these can be expanded to a total of 100 each summer. They are very much similar to the Governors' schools many States have for students and for teachers. David McCullough has suggested perhaps we can match up the 10-year centennial program for national parks with these summer programs for students and teachers of U.S. history. Imagine what it would be like for a group of U.S. history teachers to spend a week with David McCullough at the Adams House in Quincy, MA.

Finally, a 10-State pilot program in U.S. history NAEP. Currently, the National Assessment of Education Progress—the Nation's report card—only measures student achievement in history every 4 years. We don't get State-level data; only a national sample of student achievement. Senator KENNEDY and I have offered legislation to create a 10-State pilot program so there can be State-level data for 10 States, which will reflect the importance of this subject to our Nation and call attention to student progress or lack thereof in American history.

A second area of special emphasis that ought to be considered when we reauthorize No Child Left Behind is the Teacher Incentive Fund. After parents, nothing is more important to a child's success than the classroom teacher. In every hearing we have in the Senate, a witness emphasizes the need to attract specially equipped teachers for math, for science, for children with disabilities, for inner-city schools, for gifted students, and other special needs. Yet we struggle in this country with an across-the-board pay mentality that will not allow schools to lift themselves up when it comes to attracting and keeping outstanding classroom teachers.

Finding fair ways to pay teachers more for teaching well is not easy. I have tried it. But during the last 5 years, the Teacher Incentive Fund has helped at least three dozen cities, usually working with local teachers' unions, to find new ways to train and reward outstanding teachers and principals. We need to do as much of this as we possibly can. I wish to thank and acknowledge Senator DURBIN of Illinois, the Democratic whip, for working with me to make certain that appropriations for this program continue.

Then, charter schools. I mentioned earlier the Presiding Officer was a national leader on charter schools when he was Governor of Delaware. Last year, I visited a charter school in Memphis. It was the Easter holiday, except those ninth graders weren't on vacation, they were in class. To be specific, they were in a ninth grade advanced

placement biology class. What was special was these children had come from so-called low-performing schools. To be blunt, they were labeled the least likely to succeed, except they were succeeding. This was because they were getting extra help during holidays, longer school days, Saturdays, and from special teachers.

The idea of a public charter school is simply to give teachers the freedom to use their common sense and their skills to help the children who are presented to them—freedom from Federal, State, and union rules so they can do it. It is nonsensical to me that we don't encourage, rather than discourage, such public charter schools.

Most of our children are learning, but for the 15 percent or so who are having genuinely special challenges in learning, it will take different kinds of schools, even better teachers and different methods. In this reauthorization of No Child Left Behind, we must do all of these things to cause that to happen.

Mr. President, I ask unanimous consent that the text of the bill and a letter addressed to Senator KENNEDY be printed in the RECORD.

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

S. 2312

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

**SECTION 1. STATE STUDENT ACHIEVEMENT CONTRACTS.**

(a) AMENDMENT.—Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended—

(1) by redesignating part C (20 U.S.C. 7371 et seq.) as part D;

(2) by redesignating sections 6301 and 6302 (20 U.S.C. 7371, 7372) as sections 6401 and 6402, respectively; and

(3) by inserting after part B (20 U.S.C. 7341 et seq.) the following:

**"PART C—STATE STUDENT ACHIEVEMENT CONTRACTS**

**"SEC. 6301. SHORT TITLE.**

''This part may be cited as the 'State Student Achievement Contracts Act'.

**"SEC. 6302. PURPOSE.**

''The purpose of this part is to allow not more than 12 State educational agencies, that establish and implement challenging and rigorous academic standards, academic assessments, and accountability systems, greater flexibility to—

''(1) improve their academic achievement standards, academic assessments, and State accountability systems;

''(2) increase the academic achievement of all students;

''(3) narrow achievement gaps between the lowest- and highest-achieving groups of students; and

''(4) eliminate barriers to implementing effective education reforms.

**"SEC. 6303. STATE STUDENT ACHIEVEMENT CONTRACTS.**

''(a) AUTHORITY.—In accordance with this part, the Secretary shall establish and implement procedures that permit the Secretary to enter into a State student achievement contract, on a competitive basis, with not more than 12 State educational agencies, under which such a State educational agency may—

''(1) waive any statutory or regulatory requirement of any program under this Act (other than a requirement of this part) under which the Secretary awards funds to States on the basis of a formula, including such a requirement applicable to any local educational agency or school within the State, except those requirements relating to—

''(A) maintenance of effort;

''(B) comparability of services;

''(C) equitable participation of students and professional staff in private schools;

''(D) allocation or distribution of funds to local educational agencies, subject to paragraph (2);

''(E) serving eligible school attendance areas in rank order under section 1113(a)(3);

''(F) the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that such a State educational agency may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I if the percentage of children from low-income families in the school attendance area or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school in the State that meets the requirements of subsections (a) and (b) of section 1113;

''(G) use of Federal funds to supplement, not supplant, non-Federal funds;

''(H) applicable civil rights requirements; and

''(I) prohibitions regarding—

''(i) State aid described in section 9522;

''(ii) use of funds for religious worship or instruction described in section 9505; and

''(iii) uses of funds for activities described in section 9526;

''(2) use funds made available to the State for State-level activities under section 1004, paragraph (4) or (5) of section 1202(d), section 2113(a)(3), section 2412(a)(1), subsection (a)(1) (with the agreement of the chief executive officer of the State), (b)(2), or (c)(1) of section 4112, section 4202(c), or section 5112(b), to carry out the uses of funds under 1 or more of such sections, paragraphs, or subsections, or under part A of title I, except that any such funds so used shall not be subject to allocation or distribution requirements under such sections, paragraphs, subsections, or part;

''(3) allow local educational agencies in the State to use funds made available under section 2121, 2412(a)(2)(A), 4112(b)(1), or 5112(a) to carry out the uses of funds under 1 or more of such sections or under part A of title I, except that any such funds so used shall not be subject to allocation or distribution requirements under such sections or part; and

''(4) require local educational agencies identified under subsection (b)(5)(C) to use funds in accordance with paragraph (3) in order to effectively implement the intervention described in subsection (b)(5)(D).

''(b) STATE APPLICATIONS.—To be eligible to enter into a State student achievement contract under this part, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall demonstrate that the State is in full compliance with all requirements of part A of title I, as such part was in effect on the day before the date of enactment of the State Student Achievement Contracts Act, relating to academic standards, assessments, and accountability, and shall include the following:

''(1) EVIDENCE.—Evidence that the proposed contract was reviewed by independent experts with knowledge and expertise in educational standards, assessments, and accountability.

''(2) STANDARDS.—A demonstration, consistent with section 1111(b)(1)(A), through a documented and validated standards-setting process, including an independent, external review, that the State academic content standards, State student academic achievement standards, and educational objectives under paragraph (12), are—

''(A) fully articulated and aligned across kindergarten through grade 12, and include college and career-ready standards for secondary school graduation, including aligned course-level outcomes, developed in consultation with the State agency responsible for higher education, institutions of higher education, and representatives of the business community; or

''(B) at least as rigorous as national or international education standards and objectives measuring long-term trends and student academic achievement standards and objectives.

''(3) ASSESSMENTS.—

''(A) ASSURANCES.—An assurance that the State will—

''(i) assess students in the subjects and grades described in section 1111(b)(3)(C)(v) and (vii), conduct such assessment annually, and comply with section 1111(b)(7);

''(ii) demonstrate to the Secretary that any assessment used by the State and conducted under subparagraph (A) meets the requirements of clauses (i) through (iv) and (vi) through (xv) of section 1111(b)(3)(C); and

''(iii) describe any other student academic assessments the State educational agency will use, consistent with section 1111(b)(4), as part of the State's accountability system described in paragraph (5).

''(B) INFORMATION.—Information demonstrating that the State is administering assessments that are aligned with the standards described in paragraph (2), or will administer such aligned assessments in the next school year.

''(4) DISAGGREGATION.—An assurance that—

''(A) the State will disaggregate data in the same manner as data are disaggregated under section 1111(b)(2)(C)(v)(II); and

''(B) student performance data will be disaggregated in the same manner as data are disaggregated under section 1111(b)(3)(C)(xiii).

''(5) ACCOUNTABILITY SYSTEM.—An explanation of how the State will use the State's authority described in subsection (a) to develop and implement—

''(A) statewide annual measurable objectives which shall—

''(i) be set separately for all assessments used by the State under paragraph (3);

''(ii) be the same for all schools and local educational agencies in the States;

''(iii) identify a single minimum percentage of students who are required to meet or exceed the proficient level on the academic assessments that applies separately to each group of students described in section 1111(b)(2)(C)(v)(II); and

''(iv) ensure that all students will meet or exceed the State's proficient level of academic achievement on the State assessments within the State's timeline described in paragraph (6).

''(B) a single, statewide accountability system consistent with the requirements of section 1111(b)(2);

''(C) a comprehensive, uniform system for identifying schools and local educational agencies for intervention based on achievement towards meeting proficiency targets established under paragraph (6) for students and subgroups that are disaggregated under paragraph (4); and

''(D) a comprehensive, uniform system for providing intervention to schools and local educational agencies identified under subparagraph (C), including a specific description and explanation of—

''(i) specific interventions that will be provided to all schools and local educational agencies so identified—

''(I) which shall include providing options to students in schools so identified, including options regarding—

''(aa) supplemental educational services that will be provided consistent with 1116(e); or

''(bb) public school choice that will be provided consistent with section 1116(b)(1)(E); and

''(II) which may include—

''(aa) targeted intervention by the State or local educational agency;

''(bb) replacement of school personnel; and

''(cc) conversion of a public school into a public charter school;

''(ii) how the State or local educational agency will monitor local educational agency or school performance over time and impose more stringent measures on local educational agencies or schools, respectively, the longer local educational agencies or schools, respectively, do not make adequate yearly progress; and

''(iii) how the State will ensure that local educational agencies or schools that do not make adequate yearly progress for 5 consecutive school years undertake alternate governance arrangements.

''(6) STUDENT PROFICIENCY TARGETS.—A demonstration and explanation of the State trajectory that is in place for all students to meet proficiency targets—

''(A) by the timelines established in sections 1111(b)(2)(E) and 1111(b)(2)(F); or

''(B) in not more than 3 years and upon graduation from secondary school.

''(7) TEACHER QUALITY.—An assurance that the State has rigorous teacher quality standards, which may include State determined teacher effectiveness standards, that reflect clear and fair measures of teacher and principal performance based on demonstrated improvements in student academic achievement.

''(8) DATA SYSTEMS.—A demonstration that the State educational agency has an effective data system capable of reporting classroom and school level data.

''(9) WAIVERS.—A list of any statutory or regulatory requirements that the State intends to waive for local educational agencies and schools within the State as part of the State student achievement contract and the process the State educational agency will use to evaluate and grant such waivers.

''(10) STATE APPROVAL.—An assurance that the proposed State student achievement contract was developed by the State educational agency in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators (including administrators of programs described in parts A through H of title I), and parents, and was approved by not less than 1 of the following:

''(A) The Governor of the State.

''(B) The State legislature.

''(11) DURATION.—A statement that the duration of the State student achievement contract shall be for a period of not more than 5 years.

''(12) EDUCATIONAL OBJECTIVES PLAN.—A plan, for the duration of the State student achievement contract, that describes the educational objectives the State educational agency plans to achieve, which objectives shall meet requirements similar to the requirements of clauses (i) through (v) of section 1111(b)(2)(G).

''(13) CONSOLIDATED FUNDS.—A description of the funds the State educational agency intends to use in accordance with subsection (a)(2) and how the funds will be used.

''(14) STATE REPORT CARD.—An assurance that the State will disseminate the information, including school and school district level information, required in section 6304 to all parents in the State.

''(c) STATES THAT PLAN TO ADOPT MORE RIGOROUS STANDARDS AND ASSESSMENTS.—

''(1) IN GENERAL.—A State educational agency that does not meet the requirements of subsection (b)(2) or (3) may apply for and (subject to the limit on the number of States that may be approved under this part pursuant to subsection (a)) be granted waiver authority under paragraph (2) if the State educational agency—

''(A) meets the requirements of paragraph (1) and paragraphs (4) through (14) of subsection (b); and

''(B) includes a plan, satisfactory to the Secretary, to meet the requirements of subsection (b)(2) or (3).

''(2) WAIVER.—A State educational agency described in paragraph (1) whose application is approved under this part is authorized to waive statutory and regulatory requirements applicable to local educational agencies and schools (other than any such requirement described in subparagraphs (A) through (I) of subsection (a)(1)) under the following programs:

''(A) Part A of title I, other than for sections 1111 and 1116.

''(B) Subpart 3 of part B, and parts C, D, and F, of title I.

''(C) Subparts 2 and 3 of part A of title II.

''(D) Subpart 1 of part D of title II.

''(E) Part A of title III.

''(F) Subpart 1 of part A of title IV.

''(G) Part A of title V.

''(d) APPROVAL OF STATE STUDENT ACHIEVEMENT CONTRACTS.—

''(1) IN GENERAL.—Not later than 90 days after the receipt of a State student achievement contract application submitted by the State educational agency, the Secretary shall—

''(A) receive recommendations from the peer review panel established in paragraph (2); and

''(B) approve the State student achievement contract or provide the State educational agency with a written explanation of the reasons the State student achievement contract fails to satisfy a purpose, goal, or a requirement of this part.

''(2) PEER-REVIEW PROCESS.—In carrying out paragraph (1), the Secretary shall—

''(A) establish an independent peer review panel to evaluate, and make recommendations for approval or disapproval of, State student achievement contract applications; and

''(B) appoint individuals to the peer review panel who are—

''(i) knowledgeable of, and have expertise in, educational standards, assessments, and accountability; and

''(ii) representative of State educational agencies and organizations representing State agencies or Governors.

''(3) DISAPPROVAL OF CONTRACT.—If the Secretary disapproves a State's student achievement contract application, then the State educational agency shall have 60 days to resubmit a revised State student achievement contract. Subject to the 12 State educational agency limitation described in subsection (a), the Secretary shall approve the revised State student achievement contract within 60 days of receipt of the revised contract or provide the State with a written determination that the revised State student achievement contract fails to satisfy a purpose, goal, or requirement of this part.

''(e) AMENDMENT TO ACHIEVEMENT CONTRACT.—

''(1) IN GENERAL.—A State educational agency may submit to the Secretary amendments to the State student achievement contract, on an annual basis. The Secretary shall submit the amendments to the peer review panel.

''(2) REVIEW OF AMENDMENT.—

''(A) IN GENERAL.—Not later than 60 days after the receipt of a proposed State student achievement contract amendment submitted by a State educational agency, the Secretary shall receive recommendations from the peer review panel and approve the amendment or provide the State educational agency with a written determination that the amendment fails to satisfy a purpose, goal, or requirement of this part.

''(B) TREATMENT AS APPROVED.—Each amendment for which the Secretary fails to take the action required in subparagraph (A) in the time period described in such subparagraph shall be considered approved.

**''SEC. 6304. ANNUAL REPORTS.**

''(a) IN GENERAL.—Not later than 1 year after the execution of a State student achievement contract under this part, and annually thereafter, each State educational agency executing such a contract shall disseminate widely to parents, the general public, and the Secretary, a report that includes a description, in an understandable manner, of how the State educational agency has used Federal funds under the contract to improve academic achievement, narrow the achievement gap, and improve educational opportunities for the disadvantaged. Each such report shall include—

''(1) information, in the aggregate, on student achievement at each proficiency target described in section 6303(b)(6) on the State academic assessments, disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student;

''(2) information that provides a comparison between—

''(A) the actual achievement levels of each group of students described in section 1111(b)(2)(C)(v); and

''(B) the State's annual measurable objectives for each such group of students on each of the academic assessments described in the educational objectives plan described in section 6303(b)(12);

''(3) the percentage of students not tested (disaggregated by the same categories and subject to the same exception described in paragraph (1));

''(4) the graduation rates for secondary school students (disaggregated by the same categories and subject to the same exception described in paragraph (1));

''(5) information on the performance of local educational agencies in the State regarding student academic achievement, including schools not meeting proficiency targets described in section 6303(b)(6);

''(6) the professional qualifications of teachers in the State, and the percentage of classes in the State not taught by a teacher meeting State qualifications, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which, for the purpose of this paragraph, means schools in the top quartile of poverty and the bottom quartile of poverty, respectively, in the State;

''(7) a description of improvement methods used to assist local educational agencies and schools in meeting the proficiency targets described in section 6303(b)(6); and

''(8) a description of the State's accountability system described in section 6303(b)(5), including a description of the criteria by

which the State evaluates school performance, and the criteria that the State has established to determine the progress of schools in meeting the goals established by the State.

''(b) SUBMISSION TO CONGRESS.—The Secretary shall submit the reports received under subsection (a) to Congress, together with any other information the Secretary considers appropriate.

**''SEC. 6305. PERFORMANCE REVIEW AND EARLY TERMINATION.**

''(a) REVIEW.—For each State having in effect a State student achievement contract under this part, the peer review panel established in section 6303(d)(2) shall carry out a review of the contract, after completion of the second school year of the contract, in order to—

''(1) determine whether the State has met the terms of the contract described in section 6303; and

''(2) make recommendations to the Secretary.

''(b) EARLY TERMINATION.—After taking into consideration the recommendations received under subsection (a)(2) from the peer review panel and after providing a State educational agency with notice and an opportunity for a hearing, the Secretary shall—

''(1) terminate a State student achievement contract, before the contract expires, if the State does not, for 3 consecutive school years, meet the terms of the contract described in section 6303; or

''(2) withhold funds under this Act.

**''SEC. 6306. EVALUATION.**

''(a) IN GENERAL.—The Secretary shall enter into a contract, with an independent organization outside of the Department, for a 5-year, rigorous, scientifically valid, quantitative evaluation of this part.

''(b) PROCESS.—The evaluation under subsection (a) shall be conducted by an organization that is capable of designing and carrying out an independent evaluation that identifies the effects of activities carried out by State educational agencies and local educational agencies under this part on improving student academic achievement.

''(c) ANALYSIS.—The evaluation under subsection (a) shall include an analysis of the following:

''(1) The implementation of activities assisted under this part and the impact of such implementation on increasing student academic achievement (particularly in schools with high concentrations of children living in poverty), relative to the goal of all students reaching the proficient level of academic achievement based on State academic assessments, challenging State academic content standards, and challenging State student academic achievement standards under section 6303.

''(2) Each participating State educational agency's method of identifying schools under 6303(b)(5)(C), including—

''(A) the impact on schools, local educational agencies, and the State;

''(B) the number of schools and local educational agencies so identified; and

''(C) the changes in the identification of schools and local educational agencies as a result of such identification.

''(3) How schools, local educational agencies, and participating States educational agencies have used the flexibility under section 6303(a) and Federal, State, and local educational agency funds and resources to support schools and provide technical assistance to improve the academic achievement of students in low-performing schools, including the impact of the technical assistance on such academic achievement.

''(4) The extent to which interventions described in section 6303(b)(5)(D) are implemented by the participating State educational agencies and local educational agencies to improve the academic achievement of students in low-performing schools, and the effectiveness of the implementation of such interventions, including the following:

''(A) The number of schools and local educational agencies identified under section 6303(b)(5)(C) and how many years the schools or local educational agencies remain so identified.

''(B) The types of support provided by the State educational agency and local educational agency to schools and local educational agencies respectively, so identified, and the impact of such support on student academic achievement.

''(C) The implementation and impact of actions that are taken with regard to schools and local educational agencies under section 6303(b)(5)(D)(iii).

''(d) REPORTS.—

''(1) INTERIM REPORT.—Not later than 3 years after the date of enactment of the State Student Achievement Contracts Act, the Secretary shall transmit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives, an interim report on the analysis conducted under this subsection.

''(2) FINAL REPORT.—Not later than 5 years after the date of enactment of the State Student Achievement Contracts Act, the Secretary shall transmit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives, a final report on the analysis conducted under this subsection.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of such Act (20 U.S.C. 6301 note) is amended—

(1) by redesignating the item relating to part C of title VI as the item relating to part D of title VI;

(2) by redesignating the items relating to sections 6301 and 6302 as the items relating to sections 6401 and 6402, respectively; and

(3) by inserting after the item relating to section 6324 the following:

''PART C—STATE STUDENT ACHIEVEMENT CONTRACTS

''Sec. 6301. Short title.
''Sec. 6302. Purpose.
''Sec. 6303. State student achievement contracts.
''Sec. 6304. Annual reports.
''Sec. 6305. Performance review and early termination.
''Sec. 6306. Evaluation.''.

---

U.S. SENATE,
*Washington, DC, October 2, 2007.*

Senator EDWARD KENNEDY,
*Chairman, Senate Committee on Health, Education, Labor, and Pensions, Dirksen Senate Office Building, Washington, DC.*

DEAR CHAIRMAN KENNEDY: As the Senate Committee on Health, Education, Labor and Pensions continues to consider legislative changes to the Elementary and Secondary Education Act, I am writing to express my concerns about efforts to further federalize control of decisions regarding education policy that are best made at the state and local level. Over the past 5 years, state and school district leaders, teachers, parents, and students have made great efforts to increase accountability and improve student achievement as they have worked to comply with the No Child Left Behind Act. I worry about efforts to inappropriately increase federal control of decisions regarding education policy that are best made at the state and local level in the name of greater accountability. Unfortunately, in many respects, more mandates from Washington may also lead to less accountability. The worst outcome for this Congress would be to reauthorize the law with more federal control and less actual accountability.

I believe we have a responsibility to provide the utmost flexibility to states and local school districts, while still ensuring accountability for all students. Despite the common desire to use the power of Washington to override what we may think are bad decisions by individual states, we must refrain from acting as a national school board and imposing one-size-fits-all decisions from here in Washington. States must maintain the necessary flexibility to reach the broad goals we ask them to achieve; they should not be treated as experimental sites for our good ideas.

The past five years since enactment of NCLB have proven effective in transforming the landscape of education across the country, and we cannot afford to turn away from decades of standards based reform and the use of rigorous state assessments to measure school accountability. However, in light of recent proposals made public by the House Committee on Education and Labor, as well as those by many in the advocacy community, I am concerned about the desire to exert greater federal control over decisions best left at the state and local level at the expense of accountability. I am particularly concerned about the following concepts.

Federally Mandated 'n' Size: I believe that we should continue to allow states to set uniform 'n' sizes for accountability. An 'n' size is the minimum number of students that must be present in a group or subgroup before a school has to be held accountable for that group's academic progress. Proposals have been put forth to establish a maximum 'n' size for accountability purposes. States currently have 'n' sizes ranging from 5 to 200. I understand the intent of such proposals given isolated abuses of the provision by individual states. But the law gives states flexibility to take into account various elements such as the complexity of the state data system, the diversity of the student population, school size, district size, the rigor of state assessments, and other factors when making decisions about their use of an 'n' size. Mandating a maximum number from Washington not only runs afoul of the intended state-level decision making in the law, but may jeopardize statistical reliability in some states. Moreover, by legislating a number that may be significantly higher than some states have already set, we may be sending a mixed signal and encouraging those states to set higher 'n' sizes and thus reduce accountability in their states.

Federally Mandated Confidence Intervals: I believe that we should continue to allow states to establish confidence intervals on their data. A confidence interval, similar to a margin of error on a poll, is another statistical methodology to ensure the reliability of data. States currently have confidence intervals that range between 95 percent and 99 percent, and some use other figures for measuring growth, safe harbor, and other decisions. States are responsible for setting these numbers and including them in their state plan which was reviewed by the U.S. Department of Education. Mandating a specific number from Washington would again reduce flexibility for each state to take into account the special circumstances within its borders and develop a comprehensive data plan based on those circumstances. A federal mandate could also lead to the unintended consequence of reducing accountability in those states that would face internal pressure to lower their standards to meet whatever level is placed in the statute.

Adequate Yearly Progress: I believe that we should allow states to use growth models based on reaching 'proficient' targets to measure progress. One of the driving forces behind No Child Left Behind, and its primary success, is the focus across the country toward getting all students to a 'proficient' level of achievement by the 2013–2014 school year. This is a tough goal, and one that we know many schools find difficult to achieve. As a nation we tend to set high goals, almost unachievable goals, and then work hard to try to reach them. Because of the rigor of the 2013–2014 goal, proposals have been put forth to give schools credit for students reaching 'basic' levels of achievement as opposed to 'proficient' achievement. This should be considered a wholesale retreat from the core principle of the law of accountability for all students.

'Basic' performance on a test is usually not considered sufficient to ensure high school graduation or attain college enrollment without remediation. I support giving states and school districts flexibility to meet the overriding goal of getting all students to 'proficient' levels of achievement. To do that we should follow the lead of states like North Carolina, Tennessee, Delaware, and Maryland and allow states to use growth models to track individual progress over time towards proficiency.

Early Childhood Program: I believe that we should not create a duplicative early childhood program that would compete with the existing federal programs Before asking what a new federal early childhood program should look like, we should be asking whether current programs are adequately funded and whether they are effective. According to the General Accountability Office there are 69 early childhood education and care programs, administered by 10 different federal agencies, receiving over $20 billion. We should be looking at how we enhance the efficiency of these programs before we layer another on.

High School Reform: I believe that Congress should authorize a competitive program with a matching requirement to states to help them reform our nation's high schools and that it would be a mistake to mandate specific reforms from Washington on all our nation's high schools. Tremendous effort is underway at the state and local level to transform our nation's high schools. Many of our nation's governors and school district officials are working diligently with philanthropic organizations like the Gates Foundation and Broad Foundation to learn how to improve high schools and build on successful research to develop promising models of reform. While there is some valuable research that shows some promising methods, it is inappropriate for Congress to assume that there is a limited set of choices on how to transform our nation's high schools. Instead of prescribing a limited set of reforms and mandating those reforms upon the states, we should find ways to encourage these continued efforts at the state and local level. It would be preferable to offer a competitive program where the states or local school districts find matching resources from the business community or philanthropic organizations, rather than develop a limited formula program that tries to proscribe reform without sufficient resources to actually provide it.

High School Graduation: I believe that Congress should not put into law a complex definition or graduation outcome requirements that interferes with current state leadership efforts on improving high school graduation results. Our nation faces significant problems with low high school graduation rates and poor student performance in our nation's postsecondary education institutions. State and local educational leaders are working diligently to address those problems. But proposals have been put forth to improve high school graduation rates by imposing a complex definition and goal setting process that do not reflect the efforts already underway.

We should instead allow states to develop their own goals for improving high school graduation rates as part of their comprehensive state plan. We must be mindful of the leadership already being offered by the states. The National Governors Association has demonstrated strong commitment towards developing a uniform definition of graduation rate, and Congress should not interfere or override those efforts. If Congress were to override the efforts already being taken by the NGA, or override the efforts of individual governors in working with such leaders as the Diploma Project, we would lose valuable years of work and effort by leaders in the states.

I understand that staff discussions have been ongoing for several months regarding proposals for the reauthorization of the Elementary and Secondary Education Act, and that many of these areas are still open for improvement. I appreciate the hard work and diligent effort of the staff, but I hope to have at least ten business days to review any final draft legislation so that I can consult with education leaders in my state and across the country so that I can provide suggested comments and revisions before this Committee is to markup a bill. It would be helpful for me to have that opportunity as I determine whether the bill meets my priorities for ensuring state and local control of education decisions.

Thank you for your consideration.

Sincerely,

LAMAR ALEXANDER,
*U.S. Senator.*

---

By Mr. BROWN (for himself and Mr. HATCH):

S. 2313. A bill to amend the Public Health Service Act to enhance efforts to address antimicrobial resistance; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN. Mr. President, today, I am introducing the Strategies to Address Antimicrobial Resistance Act. This bill, also known as the STAAR Act, is meant to reinvigorate efforts to combat antimicrobial resistance—efforts that accelerated in the late 90s but then stalled.

I want to thank Senator HATCH for his leadership on this issue and for introducing this bill with me. I look forward to working with him to ensure it passage.

Antibiotics are the cornerstone of modern medicine, relied on to treat countless diseases and responsible for some of the great advances in public health in the 20th century. But over time, bacteria, viruses, and other pathogens have mutated to develop resistance to antibiotic drugs. This is a dangerous setback for modern medicine. Infections caused by drug-resistant bacteria can cause serious, prolonged, and debilitating illnesses, and even death.

Methicillin-resistant Staphylococcus aureus, MRSA, is a drug resistant infection that can be contracted not only in hospitals but in community settings such as gyms and playgrounds. A study that was published in the Journal of the American Medical Association last month projected that the number of deaths from MRSA exceeded the number from AIDS in 2005. That statistic alone should be a wake-up call for America. We need to respond quickly to this problem, because it will only grow worse with time.

We are creating these deadly infections. We create them by using antibiotics when we do not need to and by not following through on the full regimen of antibiotic therapies as prescribed. More consistent and thorough hand washing in health care settings can also make a huge difference.

Several of our Government agencies are involved in efforts to address antimicrobial resistance. However, we need more coordination among all the federal agencies involved. This bill seeks to facilitate that coordination by establishing an Office of Antimicrobial Resistance at the Department of Health and Human Services. The bill also reauthorizes an interagency task force that has already done significant legwork on this issue so that, spearheaded by the coordinating office, Federal agencies can turn that legwork into action. The STAAR Act calls for a comprehensive research plan that would identify knowledge gaps and recommend strategies for filling those gaps. It would significantly improve surveillance by establishing a multisite surveillance network and working to ensure uniformity in State collection of antimicrobial resistance data.

Drug-resistant infections set back the clock on medical progress. They cost money and more importantly, they take lives. We need to take antimicrobial resistance seriously and fight it with as much passion as we fight any potential killer.

Mr. HATCH. Mr. President, as recent events in neighboring Virginia have made all too clear, this country faces a number of troubling questions about whether we are prepared to address the growing problem of drug-resistant, bacterial infections. Indeed, while recent media reports have raised the visibility of this issue, infectious disease doctors have been sounding the alarm for years.

Now, Senator BROWN and I are sounding the alarm as well.

Data from the Centers for Disease Control and Prevention show that resistant strains of infections have spread rapidly. This alarming trend continues to grow and treatment options are sorely lacking.

Senator BROWN and I have collaborated to develop legislation that takes a science-based approach to this problem. This legislation, the Strategies to Address Antimicrobial Resistance Act or STAAR Act S. 2313, should be seen as a measure to catalyze a greater Government focus on a frightening, growing, public health problem which should be of concern to each and every one of us in this Nation.

One of the things that Senator BROWN and I have found in our considerable study of this issue is that there is not adequate infrastructure developed within the Government to collect the data, to coordinate the research, and to conduct the surveillance necessary to stop drug-resistant infections in their tracks.

We believe that jump-starting a greater, stronger, organizational focus at the Department of Health and Human Services will help our Government and our scientists develop an infrastructure that can grow as science develops.

At the same time, we make perfectly clear that our bill is not the sole answer to the complex, vexing problem of antibiotic resistance. At a minimum we need better testing, better hospital controls, better medications, and better funding to support these efforts, particularly the work of the Centers for Disease Control and Prevention.

The Infectious Diseases Society of America, the Institute of Medicine, the Resources for the Future, the Centers for Disease Control, and many others have been sounding the alarm about the growing threat from resistant microorganisms.

Congress must listen.

In fact, it its seminal report, ''Bad Bugs, No Drugs'', the Infectious Diseases Society, IDSA, said:

> Drug-resistant bacterial infections kill tens of thousands of Americans every year and a growing number of individuals are succumbing to community-acquired infections. An epidemic may harm millions. Unless Congress and the Administration move with urgency to address these infections now, there is a very good chance that U.S. patients will suffer greatly in the future.

Indeed, the seminal IDSA report points out a number of compelling facts.

As the report notes, infections caused by resistant bacteria can strike anyone, young and old, rich or poor, healthy or ill. However, the problem of antibiotic resistance is especially acute for patients with compromised immune systems, such as persons living with HIV/AIDS.

The scope of the problem is equally of note. As IDSA has calculated, about 2 million people acquire bacterial infections in U.S. hospitals each year and as many as 90,000 die as a result. More and more, public health experts are finding infections developed in the home or community as well. Infections in both settings are increasing, and the resultant drug resistance shows no sign of lessening.

This is a costly problem, costly for patients, for society, and potentially threatening to our global security.

And, in fact, health care providers are running out of treatments as the resistance problem grows.

Nobel Laureate Joshua Lederberg said it well: ''We are running out of bullets for dealing with a number of bacterial, infections. Patients are dying because we no longer in many cases have antibiotics that work.''

Indeed, last week, noted Utah infectious disease expert Dr. Andy Pavia told me about a 14-year-old boy he had treated who had bone, muscle and lung infections from MRSA, an aggressive, difficult to treat, form of staph that has spread rapidly within communities. Half of the children he sees with severe MRSA infections acquired their infection at home.

This young man, Dr. Pavia relates, was forced to undergo multiple surgeries and 6 weeks of intravenous antibiotics. MRSA infections are steadily increasing in Utah, as well as across all other States.

Fortunately, that young man is on the road to recovery. But the statistics indicate it is just as likely that he would not be.

We are not only talking about MRSA. Dr. Pavia also cites the real crisis growing with resistant gram-negative bacteria, which he calls the ''Rodney Dangerfield of the infectious disease world''—in other words, ''it don't get no respect.''

We are also seeing increases in extensively drug-resistant, XDR, tuberculosis. There are numerous reports of soldiers returning home from Iraq with Acinetobactor—a resistant infection that is especially difficult to treat, and the only option is a very toxic antibiotic.

Senator BROWN and I have worked on this issue for many months, starting with our collaboration on provisions in the Food and Drug Act Amendments recently signed into law by the President. We are also working with our colleagues in the House, foremost among them Utah Congressman JIM MATHESON, author of the House STAAR Act.

Our conclusion is that the solutions to this problem are manifold, but they must start with a stronger Government effort. That is the genesis of the STAAR Act.

Let me review briefly what our legislation does.

The bill makes a series of congressional findings which layout the problem and the need to address it.

In particular, we note that while the advent of the antibiotic era has saved millions of lives and allowed for incredible medical progress, the increased use and overuse of antimicrobial drugs have correlated with an increase in the rates of antimicrobial resistance.

An important component to this problem is the fact that scientific evidence suggests the source of antimicrobial resistance in people is not only the overuse of human drugs, but also it may be from food-producing animals, which are exposed to antimicrobial drugs.

As scientists have found, nearly 70 percent of hospital-acquired bacterial infections in the U.S. are resistant to at least one drug; in some cases, the rate is much higher. In fact, each year nearly 2 million people contract bacterial infections in the hospital, and it is estimated that 90,000 of them die from the infections.

There seem to be no recent data on the costs associated with this problem, but a 1995 report by the Office of Technology Assessment found that six different antimicrobial-resistant strains of bacteria accounted for $1.3 billion in nationwide hospital costs—almost $1.9 billion in 2006 dollars!

Here is how our bill attempts to address the problems I have just laid out.

First, the bill establishes a new Office of Antimicrobial Resistance in the Department of Health and Human Services. That Office will work with the Task Force to issue biennial updates to the Public Health Action Plan to Combat Antimicrobial Resistance, including enhanced plans for addressing the problem here and abroad. As appropriate, the Office's Director will establish benchmarks for achieving the plan's goals, assess patterns of antimicrobial resistance emergence and their impact on clinical outcomes, determine how antimicrobial products are being used in humans, animals and plants, and recommend where additional federally-supported studies may be beneficial.

Second, we renew the Antimicrobial Resistance Task Force authorized in section 319E of the Public Health Service Act. The Task Force, whose authorization lapsed last year, is comprised of representatives from the following Federal agencies and offices, plus any others the Secretary deems necessary: the new Office of Antimicrobial Resistance established in the bill; the Assistant Secretary of Preparedness and Response; the Centers for Disease Control; the Food and Drug Administration; the National Institutes of Health; the Agency for Healthcare Research and Quality; the Centers for Medicare & Medicaid Services; the Health Resources and Services Administration; the Environmental Protection Agency; and the Departments of Agriculture, Education, Defense, Veterans Affairs, Homeland Security, and State.

It is important to note that Senator BROWN and I gave careful consideration to the location of this new Office.

We considered locating it at the CDC, the Office of the Assistant Secretary for Health (OASH), and in the Office of the Secretary, OS. There are benefits and drawbacks to each. Indeed, had OASH its previous organizational structure, that is, line authority over the Public Health Service agencies, that decision would have been easy. But since a change was made many years ago to devolve most of the OASH functions to the separate PHS agencies, OASH was not the natural locus for the new Office, we decided. Our final conclusion was that it was most appropriate to locate the new office in OS, both for reasons of prominence and flexibility.

Third, S. 2313 establishes a Public Health Antimicrobial Advisory Board, a panel of outside experts who will advise the Secretary on ways to encourage an adequate supply of antimicrobial products that are both safe

and effective; help determine what research priorities should be, what data and surveillance are necessary to be collected, and assess how the action plan can be updated and strengthened.

It is very important to Senator BROWN, if I may speak for him, and to me that our measure be seen as a collaborative effort that draws on the strengths of existing organizations and catalyzes their efforts for greater good.

So, fourth, our bill requires the Secretary—working through the new Office, the CDC and the NIH, in consultation with other appropriate agencies—to develop a antimicrobial resistance strategic research plan that strengthens existing epidemiological, interventional, clinical, behavioral, translational and basic research efforts to advance our understanding of the emergence of resistance and how best to address it.

Fifth, the bill authorizes establishment of at least 10 Antimicrobial Resistance Clinical Research and Public Health Network sites, geographically dispersed across the U.S. The sites will monitor the emergence of resistant pathogens in individuals, study the epidemiology of such pathogens and evaluate the efficacy of interventions, and study problems associated with antimicrobial use. In addition, we are asking the network to assess the feasibility, cost-effectiveness, and appropriateness of surveillance and screening programs in differing health care and institutional settings, such as schools, and evaluate current treatment protocols and make appropriate recommendations on best practices for treating drug resistant infections. It is my hope the network will be able to take into account successful models for surveillance and screening such as inpatient programs of the Veterans Health Administration, work done in States such as Illinois, New York and the Utah Aware program, and experience overseas in countries such as the Netherlands, Denmark and Finland. Our bill authorizes $45 million for these networks in fiscal year 2008, $65 million next year, and $120 million in fiscal year 2010.

Finally, I would like to speak about data collection activities in S. 2313.

It has become obvious to me that there is a pressing need for better surveillance of antibiotic resistance and better data collection that is shared both within States and across States. From my long work on public health issues, it is equally clear to me that there is a need for the government to give guidance—guidance, not a mandate—on uniform ways in which those data should be collected so that all of the agencies are talking the same talk, so speak.

Our bill asks the Office of Antimicrobial Research to work with the Task Force and member agencies to develop those uniform standards for data collection. In drafting S. 2313, Senator BROWN and I were very sensitive to the jurisdictional needs of other Committees. At the same time, it is clear that any serious effort to address antimicrobial resistance must be spread across the many agencies of Government, each of which has a role to play in our collaborative effort. It is for that reason that our bill asks the Office and Task Force to work with the other agencies, some of which do not fall within the jurisdiction of the HELP Committee. If this language needs to be strengthened as consideration of S. 2313 progresses, it is our hope to work with the other committees which have an interest in the bill.

A second issue related to data collection is the fact that there is a pressing need for epidemiologists and other public health experts to begin to see data showing how many antibiotics are being distributed and used by patients so that they can evaluate the amount of resistance that is emerging. In writing our bill, we were sensitive to the need to provide scientists with these data, while at the same time working to make any new reporting provisions the least burdensome possible, while protecting both the national security and propriety aspects of those data. For that reason, our bill builds on current reporting to the FDA of pharmaceutical distribution data. Those data are currently submitted by manufacturers on the anniversary date of the product's approval. Our bill would move that reporting date to 60 days after the beginning of each calendar year, thus allowing epidemiologists to compare data from year to year. Our second concern, that of potentially harmful release of data, was addressed in the following way. Our bill precludes the release of data which are proprietary in nature and whose release could have the perverse result of providing a disincentive to antibiotic development. This strong section, section 7 of the bill, also precludes release of data which could be harmful to our national defense.

In closing, I wish to commend S. 2313 to my colleagues and ask for their serious consideration of this measure. For those who doubt the need for this legislation, if there are any doubters among us, I ask the following questions:

Where do we begin to get serious to address this concern?

Where do we begin to recognize that it will take literally years to develop an effective response?

What are we doing to develop the collaboration across agencies to assure the American public we are developing an action plan to combat the problem?

It is our hope that STAAR Act will begin to catalyze that response.

That is the motive behind our introduction of this legislation.

We look forward to working with our colleagues on the Health, Education, Labor and Pensions Committee as consideration of this legislation begins and we remain available to our colleagues to answer any questions or concerns they may have about this legislation.

---

By Mr. SALAZAR (for himself, Mr. INHOFE, and Mr. TESTER):

S. 2314. A bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes; to the Committee on Finance.

Mr. SALAZAR. Mr. President, today I am joining my colleague Senator INHOFE in introducing the bipartisan Geothermal Heat Pump Development Act of 2007, which would provide American homes and businesses with tax credits to promote greater use of geothermal heat pumps, GHPs. Geothermal heat pumps are electrically-powered devices that use the earth's natural heat storage ability to heat and cool homes and meet energy demands.

Buildings account for 39 percent of the primary energy consumption in the U.S. and 71 percent of U.S. electricity consumption. The lion's share of this energy usage is for heating, cooling, and hot water. Making our buildings more energy efficient will therefore pay large energy dividends. According to the Environmental Protection Agency, GHPs are the most energy-efficient and environmentally clean space-conditioning systems currently in use. GHPs can reduce site energy consumption for climate control and water heating by as much as 40 percent compared to air-source heat pumps and as much as 70 percent compared to a fossil fuel heating system and air-conditioner.

However, in the absence of Federal tax credits to help mitigate the comparatively high installation costs associated with geothermal heat pump systems, American homeowners and businesses are reluctant to tap into this reliable technology. The SALAZAR-INHOFE bill would help overcome these cost barriers by amending current tax code to make geothermal heat pump systems eligible for the energy tax credit and the residential energy efficient property tax credit, for businesses and consumers, respectively.

Specifically, businesses could claim an investment tax credit in the amount of 10 percent of the installed cost of a new geothermal heat pump system, and could claim an accelerated 3-year depreciation on such equipment. For example, a business owner that spends $30,000 on a new GHP system would get a $3,000 tax credit and the accelerated depreciation provision would allow that business greater flexibility in reporting this capital expense. Consumers could claim a credit in the amount of 30 percent of the installed cost of a new geothermal heat pump system up to a maximum credit of $2,000, so that, for example, a home owner who purchases a $15,000 GHP system would receive a $2,000 tax credit. This consumer tax credit would be allowable against the alternative minimum tax.

Geothermal heat pumps are proven renewable energy technologies with significant energy efficiency gains and

long-term cost-savings potential compared to conventional climate control systems. Geothermal heat pumps typically cost more than twice as much as a conventional fossil fuel furnace, but GHPs' impressive efficiency gains allow a home or business owner to recoup their up-front costs within about ten years.

Since their introduction in the 1980s, over 1 million GHPs have been installed in a wide variety of buildings, and in a diverse range of climates, across the U.S. Senator INHOFE and I are optimistic that the widespread adoption of geothermal heat pumps will not only save energy, but also create good local jobs. Because GHP systems can be deployed virtually anywhere, the demand for qualified engineers who can install and maintain these systems would surely expand.

Geothermal heat pumps should be an important element of our efforts to enhance our buildings' energy efficiency. By making it easier for American homes and business to embrace these extremely effective energy technologies, we will help develop a more secure, efficient and sustainable domestic energy program founded on clean, renewable and reliable energy alternatives.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 367—COMMEMORATING THE 40TH ANNIVERSARY OF THE MASS MOVEMENT FOR SOVIET JEWISH FREEDOM AND THE 20TH ANNIVERSARY OF THE FREEDOM SUNDAY RALLY FOR SOVIET JEWRY ON THE NATIONAL MALL

Mr. LIEBERMAN (for himself, Mr. SPECTER, Mr. SMITH, Mr. VOINOVICH, Mr. BIDEN, Mrs. CLINTON, Ms. MIKULSKI, Mr. CONRAD, Mr. MARTINEZ, Mr. LAUTENBERG, Mr. BROWNBACK, Mr. CARDIN, Mrs. FEINSTEIN, Mr. WYDEN, and Mr. CASEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 367

Whereas Jews living in the former Soviet Union were an oppressed cultural minority who faced systematic, state-sponsored discrimination and difficulties in exercising their religion and culture, including the study of the Hebrew language;

Whereas, in 1964, the American Jewish Conference on Soviet Jewry (AJCSJ) was founded to spearhead a national campaign on behalf of Soviet Jewry;

Whereas, in 1964, the Student Struggle for Soviet Jewry was founded to demand freedom for Soviet Jewry;

Whereas, in 1964, thousands of college students rallied on behalf of Soviet Jewry in front of the United Nations;

Whereas Israel's victory in the 1967 Six-Day War inspired Soviet Jews to intensify their efforts to win the right to emigrate;

Whereas, in 1967, the Soviet Union began an anti-Zionist propaganda campaign in the state-controlled mass media and a crackdown on Jewish autonomy, galvanizing a mass advocacy movement in the United States;

Whereas the Union of Councils for Soviet Jewry was founded in 1970 as a coalition of local grassroots ''action'' councils supporting freedom for the Jews of the Soviet Union;

Whereas, in 1971, the severe sentences, including death, meted out to 9 Jews from Leningrad who attempted to hijack a plane to flee the Soviet Union spurred worldwide protests;

Whereas, in 1971, the National Conference on Soviet Jewry (NCSJ) succeeded the AJCSJ;

Whereas, in 1971, mass emigration of Jews from the Soviet Union began;

Whereas, in 1974, Senator Henry ''Scoop'' Jackson and Congressman Charles Vanik successfully attached an amendment to the Trade Act of 1974 linking trade benefits, now known as Normal Trade Relations, to the emigration and human rights practices of Communist countries, including the Soviet Union;

Whereas, in 1975, President Gerald R. Ford signed into law the Jackson-Vanik amendment to the Trade Act of 1974, after both houses of Congress unanimously backed it;

Whereas, in 1978, the Congressional Wives for Soviet Jewry was founded;

Whereas, in 1982, President Ronald Reagan signed into law House Joint Resolution 373 (subsequently Public Law 97–157), expressing the sense of the Congress that the Soviet Union should cease its repressive actions against those who seek the freedom to emigrate or to practice their religious or cultural traditions, drawing special attention to the hardships and discrimination imposed upon the Jewish community in the Soviet Union;

Whereas, in 1983, the bipartisan Congressional Human Rights Caucus was founded to advance the cause of human rights;

Whereas, in 1984, the Congressional Coalition for Soviet Jews was founded;

Whereas, on December 6, 1987, an estimated 250,000 people demonstrated on the National Mall in Washington, DC in support of freedom for Soviet Jews, in advance of a summit between Mikhail Gorbachev and President Reagan;

Whereas, in 1989, the former Soviet Union opened its doors to allow the millions of Soviet Jews who had been held as virtual prisoners within their own country to leave the country;

Whereas, in 1991, the Supreme Soviet passed a law that codified the right of every citizen of the Soviet Union to emigrate, precipitating massive emigration by Jews, primarily to Israel and the United States;

Whereas, since 1975, more than 500,000 refugees from areas of the former Soviet Union—many of them Jews, evangelical Christians, and Catholics—have resettled in the United States;

Whereas the Soviet Jewish community in the United States today numbers between 750,000 and 1,000,000, though some estimates are twice as high;

Whereas Jewish immigrants from the former Soviet Union have greatly enriched the United States in areas as diverse as business, professional sports, the arts, politics, and philanthropy;

Whereas, in 1992, Congress passed the Freedom Support Act, making aid for the 15 independent states of the former Soviet Union contingent on progress toward democratic self-government and respect for human rights;

Whereas, since 2000, more than 400 independent Jewish cultural organizations and 30 Jewish day schools have been established in the independent states of the former Soviet Union; and

Whereas the National Conference on Soviet Jewry and its partner organizations continue to work to promote the safety and human rights of Jews in the independent states of the former Soviet Union: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes the significant contributions of American citizens of Jewish descent who emigrated from the Soviet Union;

(2) commemorates the 40th anniversary of the mass movement for freedom by and on behalf of Soviet Jewry;

(3) commemorates the 20th anniversary of the December 6, 1987, Freedom Sunday rally, a major landmark of Jewish activism in the United States; and

(4) condemns incidents of anti-Semitism, xenophobia, and religious persecution wherever they may occur in the independent states of the former Soviet Union and encourages the development and deepening of democracy, religious freedom, rule of law, and human rights in those states.

### SENATE RESOLUTION 368—EXPRESSING THE SENSE OF THE SENATE THAT, AT THE 20TH REGULAR MEETING OF THE INTERNATIONAL COMMISSION ON THE CONSERVATION OF ATLANTIC TUNAS, THE UNITED STATES SHOULD PURSUE A MORATORIUM ON THE EASTERN ATLANTIC AND MEDITERRANEAN BLUEFIN TUNA FISHERY TO ENSURE CONTROL OF THE FISHERY AND FURTHER FACILITATE RECOVERY OF THE STOCK, PURSUE STRENGTHENED CONSERVATION AND MANAGEMENT MEASURES TO FACILITATE THE RECOVERY OF THE ATLANTIC BLUEFIN TUNA, AND SEEK A REVIEW OF COMPLIANCE BY ALL NATIONS WITH THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS' CONSERVATION AND MANAGEMENT RECOMMENDATION FOR ATLANTIC BLUEFIN TUNA AND OTHER SPECIES, AND FOR OTHER PURPOSES

Mr. KERRY (for himself, Ms. SNOWE, and Mr. STEVENS) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 368

Whereas Atlantic bluefin tuna are a valuable commercial and recreational fishery of the United States and many other countries;

Whereas the International Convention for the Conservation of Atlantic Tunas entered into force on March 21, 1969;

Whereas the Convention established the International Commission for the Conservation of Atlantic Tunas to coordinate international research and develop, implement, and enforce compliance of the conservation and management recommendations on the Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the adjacent seas, including the Mediterranean Sea;

Whereas in 1974, the Commission adopted its first conservation and management recommendation to ensure the sustainability of Atlantic bluefin tuna throughout the Atlantic Ocean and Mediterranean Sea, while allowing for the maximum sustainable catch for food and other purposes;