that directly and significantly contribute to the enhancement of the ability of Syria to develop its petroleum resources, and for other purposes.

S. 1479

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1479, a bill to preserve Medicare beneficiary choice by restoring and expanding Medicare open enrollment and disenrollment opportunities.

S. 1508

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1508, a bill to extend loan limits for programs of the Federal Housing Administration, the government-sponsored enterprises, and the Department of Veterans Affairs, and for other purposes.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1514

At the request of Mr. TESTER, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1539

At the request of Mr. CORNYN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1539, a bill to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

S. 1588

At the request of Mr. WEBB, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1588, a bill to protect the right of individuals to bear arms at water resources development projects administered by the Secretary of the Army, and for other purposes.

S. 1620

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1620, a bill to ensure the icebreaking capabilities of the United States and for other purposes.

S. 1629

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 1629, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 1632

At the request of Mr. MENENDEZ, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1632, a bill to amend the Internal Revenue Code of 1986 to provide a look back rule in the case of federally declared disasters for determining earned income for purposes of the child tax credit and the earned income credit, and for other purposes.

S.J. RES. 6

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S.J. Res. 6, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

S.J. RES. 21

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S.J. Res. 21, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S. RES. 132

At the request of Mr. NELSON of Nebraska, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 132, a resolution recognizing and honoring the zoos and aquariums of the United States.

S. RES. 251

At the request of Mr. CARPER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 251, a resolution expressing support for improvement in the collection, processing, and consumption of recyclable materials throughout the United States.

AMENDMENT NO. 669

At the request of Mr. MERKLEY, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of amendment No. 669 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself and Mr. HARKIN):

S. 1644. A bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use; to the Committee on Finance.

Mr. CORNYN. Mr. President, I rise to introduce the Workforce Health Improvement Program Act of 2011, otherwise known as the WHIP Act. I am very pleased to be joined again by my good friend and colleague, Senator TOM HARKIN, who shares my commitment to helping keep America fit.

Public health experts unanimously agree that people who maintain active and healthy lifestyles dramatically reduce their risk of contracting chronic diseases. And as the government works to reign in the high cost of health care, it is worth talking about what we all can do to help ourselves. As you know, prevention is key, and exercise is a primary component in the prevention of many adverse health conditions that can arise over one's lifetime. A physically fit population helps to decrease health-care costs, reduce governmental spending, reduce illnesses, and improve worker productivity.

According to the Centers for Disease Control and Prevention, CDC, the economic cost alone to businesses in the form of health insurance and absenteeism is more that $15 billion. Additionally, the CDC estimates that more than one-third of all U.S. adults fail to meet minimum recommendations for aerobic physical activity. With physical inactivity being a key contributing factor to overweight and obesity, and adversely affecting workforce productivity, we quite simply need to do more to help employers encourage exercise.

Given the tremendous benefits exercise provides, I believe Congress has a duty to create as many incentives as possible to get Americans off the couch, up, and moving.

With this in mind, I am reintroducing the WHIP Act.

Current law already permits businesses to deduct the cost of on-site workout facilities, which are provided for the benefit of employees on a pretax basis. But if a business wants or needs to outsource these health benefits, they and/or their employees are required to bear the full cost. In other words, employees who receive off-site fitness center subsidies are required to pay income tax on the benefits, and their employers bear the associated administrative costs of complying with the IRS rules.

The WHIP Act would correct this inequity in the tax code to the benefit of many smaller businesses and their employees. Specifically, it would provide an employer's right to deduct up to $900 of the cost of providing health club benefits off-site for their employees. In addition, the employer's contribution to the cost of the health club fees would not be taxable income for employees—creating an incentive for more employers to contribute to the health and welfare of their employees.

The WHIP Act is an important step in reversing the largely preventable

health crisis that our country is facing, through the promotion of physical activity and disease prevention. It is a critical component of America's health care policy: prevention. It will improve our nation's quality of life by promoting physical activity and preventing disease.

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

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

S. 1644

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Workforce Health Improvement Program Act of 2011''.

SEC. 2. EMPLOYER-PROVIDED OFF-PREMISES HEALTH CLUB SERVICES.

(a) TREATMENT AS FRINGE BENEFIT.—Subparagraph (A) of section 132(j)(4) of the Internal Revenue Code of 1986 (relating to on-premises gyms and other athletic facilities) is amended to read as follows:

''(A) IN GENERAL.—Gross income shall not include—

''(i) the value of any on-premises athletic facility provided by an employer to its employees, and

''(ii) so much of the fees, dues, or membership expenses paid by an employer to an athletic or fitness facility described in subparagraph (C) on behalf of its employees as does not exceed $900 per employee per year.''.

(b) ATHLETIC FACILITIES DESCRIBED.—Paragraph (4) of section 132(j) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new subparagraph:

''(C) CERTAIN ATHLETIC OR FITNESS FACILITIES DESCRIBED.—For purposes of subparagraph (A)(ii), an athletic or fitness facility described in this subparagraph is a facility—

''(i) which provides instruction in a program of physical exercise, offers facilities for the preservation, maintenance, encouragement, or development of physical fitness, or is the site of such a program of a State or local government,

''(ii) which is not a private club owned and operated by its members,

''(iii) which does not offer golf, hunting, sailing, or riding facilities,

''(iv) whose health or fitness facility is not incidental to its overall function and purpose, and

''(v) which is fully compliant with the State of jurisdiction and Federal anti-discrimination laws.''.

(c) EXCLUSION APPLIES TO HIGHLY COMPENSATED EMPLOYEES ONLY IF NO DISCRIMINATION.—Section 132(j)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''Paragraphs (1) and (2) of subsection (a)'' and inserting ''Subsections (a)(1), (a)(2), and (j)(4)'', and

(2) by striking the heading thereof through ''(2) APPLY'' and inserting ''CERTAIN EXCLUSIONS APPLY''.

(d) EMPLOYER DEDUCTION FOR DUES TO CERTAIN ATHLETIC FACILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 274(a) of the Internal Revenue Code of 1986 (relating to denial of deduction for club dues) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to so much of the fees, dues, or membership expenses paid to athletic or fitness facilities (within the meaning of section 132(j)(4)(C)) as does not exceed $900 per employee per year.''.

(2) CONFORMING AMENDMENT.—The last sentence of section 274(e)(4) of such Code is amended by inserting ''the first sentence of'' before ''subsection (a)(3)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. BAUCUS:

S. 1649. A bill to amend the provisions of title 5, United States Code, relating to the methodology for calculating the amount of any Postal surplus or supplemental liability under the Civil Service Retirement System, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

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

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

S. 1649

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Postal Service Pension Obligation Recalculation and Restoration Act of 2011''.

SEC. 2. MODIFIED METHODOLOGY.

(a) IN GENERAL.—Section 8348(h) of title 5, United States Code, is amended by adding at the end the following:

''(4)(A) To the extent that a determination under paragraph (1), relating to benefits attributable to civilian employment with the United States Postal Service, is based on any provision of law described in subparagraph (C), such determination shall be made in accordance with such provision and any otherwise applicable provisions of law, subject to the following:

''(i) The 'average pay' used in the case of any individual shall be a single amount, determined in accordance with section 8331(4), taking into account the rates of basic pay in effect for such individual during the periods of creditable service performed by such individual. Nothing in this subsection shall be considered to permit or require—

''(I) one determination of average pay with respect to service performed with the United States Postal Service; and

''(II) a separate determination of average pay with respect to service performed with its predecessor entity in function.

''(ii) In determining the portion of an annuity attributable to civilian employment with the United States Postal Service, with respect to any period of employment with the United States Postal Service that follows any other period of employment creditable under section 8332 (without regard to whether such employment was with an entity referred to in clause (i)(II)), the total service of an employee for purposes of any provision of law described in subparagraph (C) shall be the sum of—

''(I) any period of employment with the United States Postal Service; and

''(II) any period of employment creditable under section 8332 that precedes the period described in subclause (I).

''(B)(i) Not later than 6 months after the date of enactment of this paragraph, the Office shall determine (or, if applicable, redetermine) the amount of the Postal surplus or supplemental liability as of the close of the fiscal year most recently ending before such date of enactment, in conformance with the methodology required under subparagraph (A).

''(ii)(I) If the result of the determination or redetermination under clause (i) is a surplus, the Office shall transfer the amount of such surplus to the Postal Service Retiree Health Benefits Fund not later than 15 days after the date of such determination or redetermination.

''(II) If a determination or redetermination under clause (i) for a fiscal year is made before the Office makes a redetermination under paragraph (2)(B) with respect to the fiscal year, the Office may not make a determination under paragraph (2)(B) with respect to the fiscal year.

''(C) The provisions of law described in this subparagraph are—

''(i) the first sentence of section 8339(a); and

''(ii) section 8339(d)(1).

''(5) For purposes of this subsection—

''(A) the term 'Postal Service Retiree Health Benefits Fund' means the fund established under section 8909a; and

''(B) the term 'Postal Service Fund' means the fund established under section 2003 of title 39.''.

(b) COORDINATION PROVISIONS.—

(1) AMENDMENT.—Section 8909a of title 5, United States Code, is amended by adding at the end the following:

''(e) Notwithstanding any other provision of law, the amount payable by the Postal Service under subsection (d) in any fiscal year ending on or before September 30, 2021, shall be determined without regard to the requirements under section 8348(h)(4).''.

(2) RULE OF CONSTRUCTION.—Nothing in this Act, or an amendment made by this Act, shall be construed to affect the amount of any benefits otherwise payable from the Civil Service Retirement and Disability Fund to any individual.

(c) TECHNICAL AMENDMENT.—The heading for section 8909a of title 5, United States Code, is amended by striking ''**Benefit**'' and inserting ''**Benefits**''.

SEC. 3. ADDITIONAL PROVISIONS.

(a) IN GENERAL.—Section 8348(h)(2) of title 5, United States Code, is amended by adding at the end the following:

''(F) Notwithstanding any other provision of this subsection, for purposes of determining the Postal surplus or supplemental liability for each of fiscal years 2016, 2017, 2018, 2019, and 2020—

''(i) paragraph (4)(A) shall not apply to a determination under paragraph (1); and

''(ii) the determination under paragraph (1) shall be made by applying the methodology that was used to carry out this paragraph with respect to the fiscal year preceding the fiscal year referred to in paragraph (4)(B)(i).''.

(b) RELATING TO A POSTAL SURPLUS.—Section 8348(h)(2)(C) of title 5, United States Code, is amended—

(1) by inserting ''2021,'' after ''2015,''; and

(2) by striking ''if the result is'' and all that follows through ''terminated.'' and inserting the following: ''if the result is a surplus—

''(i) that amount shall be transferred—

''(I) to the Postal Service Retiree Health Benefits Fund, if the surplus is for fiscal year 2020 or a preceding fiscal year; and

''(II) to the Postal Service Fund, if the surplus is for fiscal year 2021 or a subsequent fiscal year; and

''(ii) any prior amortization schedule for payments shall be terminated.''.

SEC. 4. TREATMENT OF CERTAIN SURPLUS RETIREMENT CONTRIBUTIONS.

Section 8423(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

''(5) If, for fiscal year 2010, the amount computed under paragraph (1)(B) is less than zero (in this section referred to as 'surplus postal contributions'), the amount of such surplus postal contributions shall be transferred—

''(A) to the Postal Service Retiree Health Benefits Fund to pay any liability to the Postal Service Retiree Health Benefits Fund for fiscal year 2011;

''(B) if all liability to the Postal Service Retiree Health Benefits Fund for fiscal year 2011 has been paid, to the Employees' Compensation Fund established under section 8147; and

''(C) if all liability of the United States Postal Service to the Employees' Compensation Fund has been paid, to the United States Postal Service for the repayment of any obligation issued under section 2005 of title 39.''.

SEC. 5. RURAL POST OFFICES.

Section 404(d) of title 39, United States Code, is amended by adding at the end the following:

''(7) Notwithstanding any other provision of this subsection, in making any determination under subsection (a)(3) as to the necessity for the closing or consolidation of any post office, the Postal Service may not close any post office which is located more than 10 miles from any other post office.''.

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) INTENT OF CONGRESS.—It is the intent of Congress that this Act apply with respect to the allocation of past, present, and future benefit liabilities between the United States Postal Service and the Treasury of the United States.

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

S. 1654. A bill to establish an alternative accountability model; to the Committee on Health, Education, Labor, and Pensions.

Mr. UDALL of Colorado. Mr. President, I come to the floor to speak about a Colorado common-sense approach to solving a national problem facing schools because of the current No Child Left Behind, NCLB law. Today, I am introducing the Growth to Excellence Act, along with my friend and colleague Senator Bennet.

In my travels across the great state of Colorado, educators from Pueblo to Grand Junction have shared with me the difficulties and cumbersome burdens placed on them by NCLB. Although well-intentioned, NCLB has continued to suffer from under-funding and poor implementation, which have in turn hurt our nation's students.

A major component of the current law is the measurement of Annual Yearly Progress, or AYP for short, for a group of students. Current law requires States to compare one year's class of students to the next year's class, and it fails to measure the progress of individual students over time.

This is problematic for schools because it doesn't adequately represent true educational progress, focusing instead on anonymous students' test scores. Likewise, the information is meaningless to parents and students because it does not properly measure individual students' growth over time. Unfortunately, under current law, schools are punished when such groups of students do not meet the required level of AYP, even if individual students actually displayed substantial growth over that time. Our bill would fix that.

Using the nationally recognized Colorado Growth Model as its inspiration, the Growth to Excellence Act would amend current law to allow all states to move toward an accountability system that measures student growth rates together with their attainment of college and career readiness. Growth models, which track students from year to year, provide schools, parents, teachers, and students alike with the information they need to see where individual student improvements have been made and where there is still room for continued learning.

This legislation, I believe, will provide a proven system of tracking actual student growth aimed at preparing our students for college and for their careers, without unnecessarily punishing schools in a one-size-fits-all approach. This will ultimately improve accountability standards for teachers, principals and school systems nationwide as it will provide us with the data we need to ensure America's students are prepared to win the global economic race in the 21st Century.

As Congress continues its important work on the reauthorization of the Elementary and Secondary Education Act, I urge my colleagues to join both Senator Bennet and me in supporting the Growth to Excellence Act.

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

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

S. 1654

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Growth to Excellence Act of 2011''.

SEC. 2. ACCOUNTABILITY MODEL.

Section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)) is amended—

(1) in paragraph (3), by adding at the end the following:

''(E) ASSESSMENTS ABOVE AND BELOW GRADE LEVEL.—

''(i) IN GENERAL.—Notwithstanding any other requirement of this paragraph, a State may carry out this paragraph through the use of adaptive assessments that—

''(I) are administered through a computerized means;

''(II) are aligned with grade-level academic content standards; and

''(III) measure academic growth above and below grade level.

''(ii) REQUIREMENTS FOR ADAPTIVE ASSESSMENTS.—For the results of any adaptive assessment to be included in the accountability model described under paragraph (12), such results must provide the information necessary to determine adequate student growth in accordance with paragraph (12)(C)(i).''; and

(2) by adding at the end the following:

''(11) CRITERIA AND IMPLEMENTATION OF ACCOUNTABILITY MODEL.—

''(A) IN GENERAL.—

''(i) TRANSITIONAL PARTICIPATION.—Prior to a State's adoption of college and career ready academic content standards and college and career ready assessments, as defined in subparagraphs (B) and (C) of paragraph (13), a State may apply to the Secretary to replace the State plan requirements under paragraph (2) with the accountability requirements under paragraph (12).

''(ii) REQUIRED PARTICIPATION.—After the adoption of college and career ready academic content standards and college and career ready assessments, as defined in subparagraphs (B) and (C) of paragraph (13) and required under this subsection—

''(I) a State shall comply with this paragraph and paragraph (12) in lieu of paragraph (2); and

''(II) references in this Act to section 1111(b)(2) shall be deemed to be references to this paragraph and paragraph (12).

''(B) CRITERIA.—A State that participates in the accountability model described in paragraph (12) shall carry out the following activities:

''(i) Implement challenging college and career ready academic content standards, as defined in paragraph (13)(B).

''(ii) Implement college and career ready assessments, as defined in paragraph 13(C).

''(iii) For a secondary school, measure graduation rates as defined in section 200.19(b)(1) of title 34, Code of Federal Regulations.

''(iv) Assess not less than 2 additional indicators of whether students are college and career ready, such as—

''(I) student scores on the ACT;

''(II) student scores on the SAT;

''(III) the percentage of students who attend an institution of higher education;

''(IV) college remediation rates;

''(V) results from Advance Placement or International Baccalaureate exams;

''(VI) student grade point averages at an institution of higher education; or

''(VII) rates of completion of the first year at an institution of higher education.

''(v) Provide a comprehensive State system of accountability for schools that do not meet the standard for adequate student growth, as described in paragraph (12), which aims to ensure that each student is college and career ready before such student graduates from secondary school and which shall include, at a minimum—

''(I) the evaluation of each school and each group of students described in paragraph (2)(C)(v)(II) against annual progress targets described in subclauses (V) and (VI) of paragraph (12)(B)(i) that are aligned with the goal of ensuring that each student is college and career ready before such student graduates from secondary school;

''(II) a system of categorization that will group schools based on—

''(aa) how the overall performance of students, and the performance of each subgroup of students described in paragraph (2)(C)(v)(II), at such school compares to each annual progress target described in subclauses (V) and (VI) of paragraph (12)(B)(i); and

''(bb) if the school is a secondary school, how students at such school perform when measured against key indicators of college and career readiness, as described in clauses (iii) and (iv);

''(III) supports and consequences for each school in the State, as appropriate for each school based on the categorization described in subclause (II); and

''(IV) incentives for schools that consistently exceed the annual progress targets described in subclauses (V) and (VI) of paragraph (12)(B)(i).

''(vi) Adopt intervention mechanisms for schools, as described in section 1116.

''(vii) Ensure that adequate student growth reports are delivered, in a timely manner, to parents and teachers (as appropriate) to enable parents and teachers to examine student progress toward becoming college and career ready.

''(C) ASSESSMENTS ABOVE AND BELOW GRADE LEVEL.—

''(i) IN GENERAL.—In carrying out the assessment requirements described in subparagraph (B)(ii), a State may use adaptive assessments described in paragraph (3)(E).

''(ii) REQUIREMENTS FOR ADAPTIVE ASSESSMENTS.—For the results of any adaptive assessment to be included in the accountability model described under paragraph (12), such results must provide the information necessary to determine adequate student growth in accordance with paragraph (12)(C)(i).

''(12) ACCOUNTABILITY MODEL.—

''(A) IN GENERAL.—Each State that will use an accountability model under this paragraph shall submit a plan to the Secretary, which shall demonstrate that the State has developed and will implement a single, statewide State accountability system that will be effective in ensuring that all local educational agencies, public elementary schools, and public secondary schools meet the standard of adequate student growth as defined under this paragraph.

''(B) COMPONENTS OF THE ACCOUNTABILITY MODEL.—

''(i) IN GENERAL.—Each State accountability model shall—

''(I) be based on the academic standards and academic assessments adopted under paragraphs (1), (3), and (11), and other academic indicators consistent with subparagraph (C)(ii);

''(II) take into account the achievement of all public elementary school and secondary school students;

''(III) be the same accountability model that the State uses for all public elementary schools and secondary schools or all local educational agencies in the State;

''(IV) include components that recognize successful schools and that require intervention measures in struggling schools, which the State will use to hold local educational agencies and public elementary schools and secondary schools accountable for student achievement and for ensuring that such agencies and schools meet the standard of adequate student growth as described in subparagraph (C), in accordance with this paragraph;

''(V) establish annual progress targets for each school that aim to reduce by half, in less than 6 years—

''(aa) the difference between the percentage of students at the top performing schools in the State who meet the college and career ready academic content standards described in paragraph (13)(B) or make adequate student growth, as described in subparagraph (C), and the percentage of such students at each school that is not a top performing school; and

''(bb) for each category of students described in paragraph (2)(C)(v)(II), the difference between the percentage of students who meet the college and career ready academic content standards described in paragraph (13)(B) or make adequate student growth, as described in subparagraph (C), at the top performing schools in the State, and the percentage of such students at each school that is not a top performing school; and

''(VI) establish annual progress targets for each secondary school that aim to reduce by half, in less than 6 years, the difference between the percentage of students who graduate from such secondary school and 90 percent.

''(ii) DEFINITION OF TOP PERFORMING SCHOOL.—In this paragraph, the term 'top performing school' means a school that is ranked at the 90th percentile when all schools in a State are ranked (with separate rankings for elementary schools and for secondary schools) from lowest to highest, based on the percentage of students at each school who meet challenging college and career ready academic content standards.

''(iii) TOP PERFORMING SCHOOLS.—A top performing school shall be considered a school that is meeting annual progress targets under subclauses (V) and (VI) of clause (i), for such time as the school remains a top performing school.

''(C) ADEQUATE STUDENT GROWTH.—

''(i) IN GENERAL.—The term 'adequate student growth' shall be defined by a State—

''(I) to mean—

''(aa) for each student at a school who is not on track to being college and career ready in a subject, a rate of growth indicating that the student will be on track to being college and career ready within 3 years, or by the last year of student testing, whichever is earlier; and

''(bb) for a student who is on track to being college and career ready in a subject, but is not yet college and career ready, a rate of growth equal to not less than 1 year of academic growth;

''(II) in a manner that—

''(aa) applies the same high standards of academic achievement to all public elementary school and secondary school students in the State;

''(bb) is statistically rigorous, valid, and reliable;

''(cc) results in continuous and substantial academic improvement for all students; and

''(dd) measures the progress of public elementary schools, secondary schools, local educational agencies, and the State based on the academic assessments described in paragraphs (3) and (11).

''(ii) MEASURES OF ADEQUATE SCHOOL PERFORMANCE.—

''(I) IN GENERAL.—A State may develop a composite measure of a school's adequate student growth, as described under this paragraph, to be used for public reporting, that may incorporate 1 or more of the following indicators:

''(aa) Overall student cohort proficiency or growth to proficiency on the assessments adopted under paragraphs (3) and (11) over a period of 2 or more years.

''(bb) The percentage of students who are making sufficient growth to meet the college and career ready academic content standards, as described in paragraph (13)(B), before the last year that the student is in the student's current school, or in less than 3 years, whichever occurs earlier.

''(cc) Progress in closing achievement gaps between each group of students listed in paragraph (2)(C)(v)(II) and the overall student population of the school over a period of 2 or more years.

''(dd) For secondary schools, a continuous and substantial increase in the graduation rate (as defined in section 200.19(b)(1) of title 34, Code of Federal Regulations).

''(ee) Year-to-year growth and growth to proficiency on the assessments adopted under paragraphs (3) and (11).

''(ff) Attendance for all public elementary school students.

''(gg) The percentage of students who earn sufficient credits to be promoted to the next grade.

''(hh) The percentage of secondary school graduates who attend an institution of higher education.

''(ii) The percentage of secondary school graduates who do not require remediation at an institution of higher education.

''(II) VALIDITY AND RELIABILITY.—The State shall ensure that each indicator described in this clause is rigorous, valid for the indicator's assigned use, reliable, and consistent with any relevant nationally recognized professional and technical standards.

''(III) REPORTING OF INDICATORS.—A State shall publicly report each of the indicators that are included within the composite measure of adequate school performance, as described in this clause, in the aggregate and disaggregated by each group of students described in paragraph (2)(C)(v)(II).

''(D) ANNUAL IMPROVEMENT FOR SCHOOLS.—Each year, for a school to meet the standard for adequate student growth under this paragraph, not less than 95 percent of each group of students described in paragraph (2)(C)(v)(II) who are enrolled in the school are required to take the assessments, consistent with paragraph (3), including subparagraph (C)(xi) of such paragraph, and with—

''(i) accommodations provided in the same manner as those provided under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

''(ii) accommodations and alternative assessments provided in the same manner as those provided under section 612(a)(16)(A) of the Individuals with Disabilities Education Act.

''(E) EVALUATION.—

''(i) SECRETARIAL DUTIES.—The Secretary shall—

''(I) establish a rigorous peer-review process, which shall include a diverse board of experts and community stakeholders, to assist in the review of State accountability model plans, based on the criteria described in subparagraphs (B) and (C)(i);

''(II) appoint individuals to the peer-review process who are representative of parents, teachers, State educational agencies, and local educational agencies, and who are familiar with educational standards, assessments, accountability, the needs of low-performing schools, and other educational needs of students;

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

''(IV) not decline to approve a State's accountability model plan before—

''(aa) offering the State an opportunity to revise its accountability model plan;

''(bb) providing technical assistance in order to assist the State to meet the requirements of this paragraph;

''(cc) providing a hearing; and

''(dd) allowing the State to communicate with peer reviewers in order to further explain or justify the merits of the State's accountability model plan; and

''(V) have the authority to disapprove a State accountability model plan for not meeting the requirements of this paragraph, but shall not have the authority to require a State, as a condition of approval of the State accountability model plan, to include in, or delete from, such plan 1 or more specific elements of the State's academic content standards or to use specific academic assessment instruments or items.

''(ii) STATE REVISIONS.—A State accountability model plan shall be revised by the State educational agency if it is necessary to satisfy the requirements of this paragraph.

''(F) APPROVED SCHOOLS.—If, as of the date of enactment of the Growth to Excellence

Act of 2011, a State has already received approval from the Secretary to use an accountability model, the Secretary may allow such State a period of not more than 2 years from the date of enactment of such Act to transition to the use of the accountability model described in this paragraph.

''(13) DEFINITIONS.—In this subsection:

''(A) COLLEGE AND CAREER READY.—The term 'college and career ready' when used with respect to a student means that the student meets the requirements necessary to be admitted into credit-bearing, nonremedial, entry level coursework at a State public institution of higher education.

''(B) COLLEGE AND CAREER READY ACADEMIC CONTENT STANDARDS.—The term 'college and career ready academic content standards' means challenging academic content standards (as required under paragraph (1)) that are—

''(i) developed based on evidence that mastery of such standards corresponds to being college and career ready without the need for remediation; and

''(ii)(I) common to a significant number of States; or

''(II) approved by a system of public 4-year institutions of higher education in the State, such that mastery of such standards leads to placement into credit-bearing, nonremedial, first-year coursework for a student admitted to an institution of higher education that is part of such system.

''(C) COLLEGE AND CAREER READY ASSESSMENTS.—The term 'college and career ready assessments' means an assessment for mathematics and an assessment for reading or language arts that—

''(i) measures the annual academic growth of individual students;

''(ii) is aligned with the college and career ready academic content standards described in this paragraph; and

''(iii) meets the requirements under paragraph (3).

''(D) ON TRACK TO BEING COLLEGE AND CAREER READY.—The term 'on track to being college and career ready' in a subject means that a student is performing at or above grade level, such that the student will be college and career ready in the subject before graduation from secondary school, as measured by the State assessment system.''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 670. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table.

SA 671. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 672. Mr. BARRASSO (for himself, Mr. MANCHIN, and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 673. Ms. MURKOWSKI (for herself and Mr. HELLER) submitted an amendment intended to be proposed by her to the bill S. 1619, supra; which was ordered to lie on the table.

SA 674. Mr. HELLER (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 675. Mr. MENENDEZ (for himself and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 676. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 677. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 678. Mr. PAUL (for himself, Mr. VITTER, Mr. DEMINT, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 679. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 680. Mr. HATCH (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 681. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 682. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 683. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 684. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 685. Mr. CRAPO (for himself, Mr. JOHANNS, Mr. SHELBY, Mr. VITTER, Mr. TOOMEY, Mr. MORAN, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 686. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 687. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 688. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 689. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 690. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 691. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 692. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 693. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 694. Mr. REID proposed an amendment to the bill S. 1619, supra.

SA 695. Mr. REID proposed an amendment to amendment SA 694 proposed by Mr. REID to the bill S. 1619, supra.

SA 696. Mr. REID proposed an amendment to the bill S. 1619, supra.

SA 697. Mr. REID proposed an amendment to amendment SA 696 proposed by Mr. REID to the bill S. 1619, supra.

SA 698. Mr. REID proposed an amendment to amendment SA 697 proposed by Mr. REID to the amendment SA 696 proposed by Mr. REID to the bill S. 1619, supra.

SA 699. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 700. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1619, supra; which was ordered to lie on the table.

SA 701. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 702. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 703. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 704. Ms. STABENOW (for herself and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the bill S. 1619, supra; which was ordered to lie on the table.

SA 705. Mr. UDALL, of Colorado submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 706. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 707. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 708. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 709. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 710. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 711. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 712. Mr. SHELBY (for himself, Mr. CRAPO, Mr. CORKER, Mr. DEMINT, Mr. VITTER, Mr. JOHANNS, Mr. TOOMEY, Mr. KIRK, Mr. MORAN, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 713. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 714. Mr. WYDEN (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 715. Mr. WYDEN (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. PORTMAN, Mr. BLUNT, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 716. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 717. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1619, supra; which was ordered to lie on the table.

SA 718. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 719. Mr. THUNE submitted an amendment intended to be proposed by him to the