

S. 3184

At the request of Mrs. BOXER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3201

At the request of Mr. UDALL of Colorado, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 3201, a bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26.

S.J. RES. 16

At the request of Mr. DEMINT, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S.J. Res. 16, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

S. CON. RES. 55

At the request of Mr. FEINGOLD, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Con. Res. 55, a concurrent resolution commemorating the 40th anniversary of Earth Day and honoring the founder of Earth Day, the late Senator Gaylord Nelson of the State of Wisconsin.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 3239. A bill to repeal unwarranted provisions from the Patient Protection and Affordable Care Act and to more efficiently use taxpayer dollars in health care spending; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I am introducing legislation to repeal unwarranted and inappropriate "sweeteners" that were added to the Patient Protection and Affordable Care Act in the days before final passage of the bill.

These "sweeteners" are unjustifiable and only detract from our collective goal of putting America's health care system on a better and more sustainable path. They also undermine public confidence in the legislative process and in elected representatives in Congress.

In some cases, there are valid policy or fairness reasons why certain states or interests may receive seemingly different treatment. But several provisions were included in the health reform bill that create, rather than diminish, inequity.

This legislation would repeal four provisions in the Patient Protection and Affordable Care Act. These provisions are not supported by policy rationales and do not address any inequity in current policy. Simply put, they are intended to provide an undeserved windfall to specific states.

This legislation also amends one provision in the Patient Protection and Affordable Care Act providing increased Medicaid assistance to States recovering from natural disaster. Because there is some justification for Louisiana receiving additional help to cope with the continued aftermath of Hurricane Katrina, my legislation leaves this provision intact, but it decreases the amount of assistance available.

I was pleased to support the Patient Protection and Affordable Care Act. That law will strengthen America's health care system and reduce the national deficit and the five changes to the law that I am proposing would help us better meet those goals.

By Mr. BROWN of Ohio (for himself, Mr. KAUFMAN, Mr. CASEY, Mr. MERKLEY, Mr. WHITEHOUSE, and Mr. HARKIN):

S. 3241. A bill to provide for a safe, accountable, fair, and efficient banking system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BROWN of Ohio. Mr. President, when you look at Wall Street and you look at the relationship between far too many Senators and Wall Street, that is what got us into this mess. For the last 10 years the deregulation of the Bush administration, the people they appointed to watch, such as the head of mine safety in the Bush years was a mining executive, we paid the price for that, the people in my State, people in West Virginia. Too often families pay the price for a government not aggressive enough to regulate mine safety. We paid the price in this country because we didn't have a government aggressive enough to make the banks and Wall Street behave. That is why they were able to overreach.

That is why the legislation Senator KAUFMAN and I are introducing, with Senators CASEY, WHITEHOUSE, MERKLEY, and others, will address the issue of too big to fail. Too big to fail is not what you do if these banks are in trouble, how you pull them apart when they are about to fail, and we want to make sure we don't spend taxpayer dollars to bail them out. We make sure they don't hurt the whole financial system. Too big to fail means don't let them get too big. Even Alan Greenspan, hardly an ally in regulating the banking system, says too big to fail means too big. That is what Senator KAUFMAN and I are addressing in our legislation.

Let me give some numbers. Fifteen years ago, the six largest U.S. banks had assets equal to 17 percent, one-seventh. Fifteen years ago, the six largest U.S. banks had assets equal to 17 percent of overall GDP. Today the six largest banks have assets equal to 63 percent of overall GDP. Three of these megabanks have close to \$2 trillion of assets on their balance sheets.

When that happens, we are setting ourselves up for one more round of seri-

ous problems. That is why homeowners in Youngstown lost their homes. That is why retirees in Sidney, OH lost a lot of their wealth. That is why workers in Newark, OH lost jobs—because we had a banking system that was overreaching, excessive, that became too greedy, and we didn't do enough about it.

Here is what has happened. The Ohio manufacturers I talked to this morning want to grow. They want to hire people. They have orders. They have capacity. They just can't get loans. Three of the largest banks slashed their SBA lending by 86 percent over the last year. SBA loans went from 4,200 in 2007 in Ohio alone to 2,100. At the same time banks have increased their Wall Street trading by 23 percent. Something was wrong in the last 10 years. We paid the price in the last 2 years. But something is still wrong when these banks get bigger and bigger. They trade more and more, and they lend to Main Street less and less.

That is why the legislation Senator KAUFMAN and I introduced with several other Senators today speaks to this. We need banks to serve this country. Ultimately, it is which side one is on. Are you going to side with Wall Street or Main Street?

Today in the Agriculture Committee we had Republicans and Democrats together passing legislation, strong legislation to regulate derivatives. It is a first, good bipartisan step. Senator GRASSLEY, a Republican from Iowa, joined all of us on the committee to pass a strong bill, not a bill that Wall Street helped to write but a bill that works for American consumers, American small business, American homeowners and workers.

I yield to Senator KAUFMAN.

Mr. KAUFMAN. I agree with what Senator BROWN is saying. This is a very complex bill. It is a very complex area. But what we are talking about is a very simple proposition. We can either limit the size and leverage of too big to fail financial institutions, such as the bill which Senator BROWN and I are offering now will do or we will suffer the economic consequences of their potential failure later. I personally believe breaking apart too big to fail banks is a necessary first step in preventing another cycle of boom, bust, and bailout. Even if they do that, this bill is required if, in fact, we are going to limit too big to fail.

This debate is a test of whether the power of that idea can spread and gain support. Although it is clearly the safest way to avoid another financial crisis, this idea must overcome tremendous resistance from Wall Street banks and their politically powerful campaigns against any kind of structural financial reform. Moreover, the idea must overcome the inertia and caution in a Congress drawn to easier ideas that may work. But how much should we gamble that they will work? Limiting size and leverage are fail-safe

provisions to prevent a dangerous outcome. Senator BROWN and I are proposing a complementary idea to limit the size and leverage, not a substitute for breaking the banks apart.

The current banking bill has many important provisions we support. But under its approach, we must hope the financial stability oversight council can identify systemic risks before it is too late. We must hope that regulators will be emboldened to act in a timely manner when before, in the recent past, they failed to act. We must hope better transparency in financial data will produce early warning signals of systemic dangers so clear that a council and panel of judges will unhesitatingly agree. We must hope that capital requirements will be set properly in relation to risks that all too often remain purposefully hidden from view. We must hope that resolution authority will work, when we know it has no cross-border authority to resolve global financial institutions.

Under the current bill, we must hope all future Presidents will appoint regulators as determined to carry out the same strict measures preached belatedly by today's regulators who have been converted by the traumatic experience of their own failures.

All rules to restrict excessive risk taking in banking have a half life. That is because the financial sector is full of very smart people with an incentive to find their way around the rules, particularly to load up on risk, as this is what provides them their excessive profits and gigantic bonuses. I would rather not pin the future of the American economy on so much hope. I would rather Congress act now, definitively and responsibly, to end too big to fail.

The changes in regulations envisioned today in the bill we are proposing would help initially, particularly until the next free market candidate who wins appoints regulators who only believe in self-regulation. This bill establishes hard lines. One of the greatest sayings is: Good fences make good neighbors. This builds the fences. Then we let the regulators do it, and we don't have to worry about the President picking the right regulators. Our bill would provide a legislative size and leverage restriction that would last far longer than the half life of who is appointed to be regulator. We want this to operate for a generation.

In 1933, our forebears, after the Great Depression, made hard rules. They passed Glass-Steagall. They set up the FDIC. They set rules against margins, and they set the uptick rule. We should do no less. Remember, when they passed those bills in 1933, they helped us avoid a financial crisis for almost 50 years.

Some argue we need massive banks, but recent studies show that with over \$100 billion in assets—and by the way, these banks, as Senator BROWN said, have over \$2 trillion worth of assets—financial institutions no longer achieve additional economies of scale. They

simply become dangerous concentrations of financial power that benefit from an implicit government guarantee that they will be saved if they fail. With this implicit guarantee, these firms will continue to have every incentive to use massive amounts of short-term debt to finance the purchase of risky assets. This bill would deal with their ability to be able to do that and would stop it. They would go on and be able to do this without us. They have done it in the past, and there is no reason to think they won't do it in the future until they cause the next crisis and taxpayers must bail them out again. While \$100 billion banks would be smaller, they are not small banks. Such banks would have no trouble competing around the world.

Under this bill, we would still have banks far bigger than even that size. People say: Look at other countries. Look what they are doing. Just because other countries subsidize megabanks that could send those countries spiraling into a financial crisis should not make us want to do the same.

Everyone agrees—as the Senator from Arizona said—the most important thing is too big to fail. How much can we risk that by doing what other countries are doing, when they are creating banks that are clearly too big to fail? Most people in the oil industry did well under the breakup of Standard Oil, including its shareholders, and the breakup of AT&T helped the telecom industry become more dynamic, competitive, and profitable.

The current Senate bill contains many important provisions that address the causes of the financial crisis, but why risk leaving oversized institutions in place when they potentially are too big to fail? Instead, we should meet the challenge of the moment and have the courage to act, as in this bill, to limit the size and practices of these literally colossal financial institutions, the stability of which are a threat to our economy. This bill is the best hope to ensure future decades of financial stability and the livelihoods of the American people. This bill will put the days of too big to fail forever behind us.

Mr. BROWN of Ohio. I thank Senator KAUFMAN.

Some people think about this as a pretty big step, to decide we want to limit the size of banks. It is not something we like to do. We don't want to do more regulation than we have to. We don't want to tell successful companies not to grow. But when we look at what has happened in the past, as Senator KAUFMAN said, we did this right in the 1930s, and it protected our financial system, with a few hiccups but no serious problems until the end of this last decade, when President Bush and the Congress, starting with President Clinton—President Bush accelerated it and weakened regulation—repealed regulation and appointed, you might use the term “lapdogs”—that might not be a senatorial sounding word.

Mr. KAUFMAN. Lapdogs is another way of saying people who believe self-regulation will work.

Alan Greenspan also was quoted as saying we should breakup the banks; Standard Oil wasn't bad. At the time he said, after it was over, a year later he gave a speech and said: I really thought self-regulation would work. I am dismayed that it didn't.

The way I put it, it is as if there were a whole group of folks, not just in the financial regulatory area but all over the government, who basically believed the markets are great. I am a big believer in markets, but I also like football. The idea that someone would say: Football is great, but those referees keep blowing their damn whistles. Let's get the referees off the field so football players can be football players. We know what would happen if we pulled all the referees off the field in a game. I wouldn't want to be in the second pileup.

That is what we said with this. We said we are going to pull the referees off the field and see what happens. These were good people. They just didn't believe they had to regulate, and we are now seeing the results.

People say to us, when we propose these things—I have had several press people say to me—why don't we leave it up to the regulators? They can set these numbers. We shouldn't set these numbers.

Let me read from a couple things. The 1970 Bank Holding Company Act amendments gave the Fed the power to terminate a company's authority to engage in nonbanking activities, basically doing what we are talking about doing, if it finds such action is necessary to prevent undue concentration of resources—I wonder if that went on recently—decreased or unfair competition, conflicts of interest, or unsound banking practices. The Fed had the power to do this. They did not do it.

The Financial Institutions Reform Recovery Enforcement Act also gave regulators the power to restrict an institution's growth and limit its size.

What we are talking about now is giving the regulators essentially what they already have in the present bill. What Senator BROWN and I are saying—and the other cosponsors—is, the buck stops here. We should tell the regulators what these percentages are going to be. Because if we leave it up to the regulators, as Senator BROWN said, these are very powerful people and very powerful institutions.

They hire the very best people to come and make their arguments.

So if you are sitting there running a regulatory agency and you are saying: Oh my God, I don't want to do this, I don't want to shrink these things down—and remember one other thing too. As bad as things were in this latest crisis, think about what has happened during this crisis. They have all exploded. What did we have happen? JPMorgan Chase now includes Washington Mutual, a \$400 billion bank.

Bank of America now includes Merrill Lynch. We can go on from there. Wells Fargo now has Wachovia. These things were big. We had this mess. We deregulated. We put the regulators in. We changed laws. Now they are bigger. As the Senator says, their assets are 63 percent of the gross domestic product of this country. Fifteen years ago, they were 17 percent of gross domestic product.

What do we have to do before someone sends the message that these things are too big and that this Congress not pass the buck to the regulators, who did not do the job in the past? Let me just say this. I think the world of our regulators now. I do not think there are people in regulating now who basically believe they should not be regulated.

In 1933, we made a decision that helped us through three generations. What are we doing as Senators on the floor passing legislation based on the fact: I trust my regulators now. Why are we not passing legislation that will work over the next two or three generations—something that will work whether we get a President who believes in the fact that we should have a market or not, whether we have a good regulator or a bad regulator? Why shouldn't the Senate of the United States do its job and basically lay out restrictions of the kind that are in this bill so the regulators have them? Then they can enforce it. They can do the enforcement, which is their job. We should send a clear message to people that this is what we have to do.

Mr. BROWN of Ohio. Exactly. I say to Senator KAUFMAN, you made a point maybe 5 minutes ago that some of the smartest people in the country are working on Wall Street. There is a huge incentive for smart people to go to Wall Street and be creative and invent new financial instruments to stay, in many ways, a step ahead of the regulators, in some sense, a step ahead of the "sheriff," if you will. Those regulators, who are paid probably one-tenth or one-hundredth—regulators are paid decent middle-class salaries that most Americans would be very happy with. But some of these very smart people on Wall Street are paid 100 times, 1,000 times—millions, tens of millions of dollars, and there is a huge incentive for them to figure out how to stay ahead of the regulators.

That is why it is so important that we have strong regulators. We always work to do that, and we have good regulators. It is important that a President appoint people who have the public interest in mind, which Presidents have not always done in the last decade. It is important that we write different rules, and that is exactly what we want to do to keep these banks from being so big.

We had problems with rating agencies that gamed the system. We had problems with mortgage brokers. We had problems with Wall Street. We had problems with people creating these

new CDOs and other financial instruments, particularly these so-called synthetic ones that had no real basis in any wealth creation for society, only wealth creation for each other. Ultimately, that does not work for Wall Street. It certainly does not work for our country.

So in summary, as to this legislation that five or six of us are introducing today, we will likely offer it as an amendment in the next week or two. We ask our colleagues to support it. If we are going to deal with too big to fail, we surely want to deal with it on the end if there are banks that are about to fail. But we need to, sort of, ahead of time, in anticipation, deal with it by not letting these banks—no matter how good the regulators are—not letting these banks get too big.

Mr. KAUFMAN. We just have to give the regulators the tools they need to do their job, and the guidelines because we know what these guidelines are. These are not really terribly strict guidelines; they are just to have the ability to stop what is going on now, to get banks back to the size where they can be managed.

As Senator BROWN said, these banks have a competitive advantage because when they are too big to fail, not only do we have to worry about bailing them out, but all their interest rate charges are lower. We know that. The interest rate charges on CDs with these major banks—they get higher interest rates than the other banks, and it is unfair competition for all the other small banks around this country.

As I said in the beginning, this is a very simple proposition: Is the Senate going to do its job to make sure we have in place the ability to keep these banks from being too big to fail and preparing so we never have to get to the resolution authority?

Mr. BROWN of Ohio. If we do what Senator KAUFMAN said, if we do this right, it will take care of this problem so it does not happen in the next two or three generations, the way people in the 1930s did, or if we do not do it right, we are back at this in 5 or 10 or 15 years.

Mr. KAUFMAN. By the way, let me say one thing about that. I am not for overregulation. But can you imagine, if we have another problem, what the regulation would be like then? Do you know what the proposals would be on this floor if, in fact, we have another problem? It would be draconian. It is important for all of us. We all care about our capital markets. One of the things that drive this country and make us great is the capital markets. We want them to be credible and we want them to be fair and we want them to work.

So we want to make sure we do not get faced with this. I think that is exactly what Senator BROWN and I are trying to do. We are trying to do a little bit of prevention here so we never get to that end of the road where we have to get involved in resolution authority.

Mr. BROWN of Ohio. These capital markets which worked so well for many years are not working for local manufacturers, for small businesses today.

Mr. KAUFMAN. Right.

Mr. BROWN of Ohio. I thank Senator KAUFMAN.

Mr. REED (for himself, Mr. LEMIEUX, and Mr. BROWN of Ohio):

S. 3242. A bill to improve teacher quality, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce with Senator LEMIEUX and Senator BROWN of Ohio, the Teacher and Principal Improvement Act, to foster the development of highly skilled and effective educators.

We are slated to reauthorize the Elementary and Secondary Education Act—ESEA—this Congress for the first time since 2001. My top priority for reauthorization is to build the capacity of our Nation's schools to enhance the effectiveness of teachers, principals, school librarians, and school leaders.

Decades of research have demonstrated that improving teacher and principal quality as well as greater family involvement are the keys to raising student achievement and turning around struggling schools. Studies have found that more than 50 percentile points of the difference in student academic performance is attributed to teacher quality. The world's top performing education systems invest heavily in supporting and developing teachers. Teachers in top-ranking countries such as Finland and Singapore get 100 hours of fully paid professional development training each year. It is clear that the United States must also increase its investments in our educators to stay academically competitive in an ever-expanding global economy.

Unfortunately, every year across the country thousands of effective teachers leave the profession—many within their first years of teaching. A 2003 study by Richard Ingersoll found that one-third of all new teachers quit after three years. That turnover rate increases to nearly half—one out of every two new teachers hired—after 5 years. A report by the National Commission on Teaching and America's Future also estimated that the nationwide cost of replacing public school teachers who have dropped out of the profession is \$7.3 billion annually.

However, research has shown that comprehensive mentoring and induction reduces teacher attrition by as much as half. New teachers need extra support and guidance. As such, our bill would help schools implement the key elements of effective multi-year mentoring and induction for beginning teachers, including rigorous mentor selection; ongoing mentoring with paid release time; training for mentors; and the use of research-based teaching

practices such as the National Board for Professional Teaching Standards.

The bill also significantly revises ESEA's current definition of "professional development" to foster an ongoing culture of teacher, principal, school librarian, and staff collaboration throughout schools. All too often current professional development still consists of isolated, check-the-box activities instead of helping educators engage in sustained professional learning that is regularly evaluated for its impact on classroom practice and student achievement. Effective professional development is collaborative, job-embedded, and data-driven. Research has shown that this type of professional development has a positive impact on student learning.

Research has also increasingly emphasized the important role that effective evaluation systems can play in teacher and principal development. Unfortunately, most evaluation systems nationwide have significant flaws, including a lack of: clear standards of expected performance; meaningful differentiation of teacher performance; ongoing evaluations and classroom observations; and rigorous training of evaluators. As such, our Teacher and Principal Improvement Act would for the first time in federal law require school districts to establish rigorous, fair, and transparent evaluation systems to assess whether teachers and principals are having positive impacts on student learning. If evaluation is done right, it provides teachers and principals with individualized ongoing feedback and support on their strengths, weaknesses, and areas in need of improvement.

Principals and school leaders also have a critical role to play in leading school improvement efforts and managing a collaborative culture of ongoing professional learning and development. Research has shown that leadership is second only to classroom instruction among school-related factors that influence student outcomes. As such, this bill would provide ongoing high-quality professional development to principals and school leaders, including multi-year induction and mentoring for new administrators. In this way, we will ensure that principals and school leaders possess the knowledge and skills to use student data to inform decisionmaking, communicate with families and local communities, and design and implement strategies for addressing student needs, including for students with disabilities and English Language Learners.

Additionally, our bill recognizes the importance of creating compensated leadership opportunities for teachers to take on additional roles and responsibilities outside the classroom, which will increase collaboration and the sharing of expertise among teachers and staff and improve instructional practices throughout the school. It also seeks to include for the first time in law a requirement that districts con-

duct surveys of the working and learning conditions educators face so this data could be used to better target investments and support.

Another precedent set as part of this legislation is that it requires an independent, formal review of professional development, mentoring, and evaluation programs. This review would look at whether these programs are effectively implemented and raise student achievement; retain effective teachers; improve classroom and leadership practice; and increase family and community involvement. We must ensure that our teachers and school leaders not only have access to high-quality professional development opportunities, but also know whether or not those programs are actually working to improve classroom practice and student learning.

Lastly, throughout the bill, school district collaboration with teachers and staff is viewed as a key element, particularly in the development and implementation of the teacher evaluation system. Research has shown that true "teacher buy-in" is an important factor in ensuring the sustained success of school reform efforts. In Rhode Island, we have seen in recent months an example of this as the Providence School District, educators, and the local teacher's union partnered together to embark on critical school improvement efforts. I am pleased that the Administration also has recently recognized the importance of teacher buy-in when it awarded the first Race to the Top grants to Delaware and Tennessee—both states that had applications with nearly 100 percent local teacher union support.

I worked with a range of education organizations in developing this bill, including the Alliance for Excellent Education; American Federation of School Administrators; American Federation of Teachers; American Association of Colleges for Teacher Education; Association for Supervision and Curriculum Development; Center for American Progress; Educational Testing Service; National Association of Elementary School Principals; National Association of Secondary School Principals; National Board for Professional Teaching Standards; National Commission on Teaching and America's Future; National Middle School Association; National Staff Development Council; National Writing Project; New Teacher Center; New Teacher Project; Pi Lambda Theta; and Teacher Advancement Program. I thank them for their input and support for the bill.

I urge my colleagues to cosponsor this bipartisan bill and work for its inclusion in the upcoming reauthorization of the Elementary and Secondary Education 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. 3242

*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 "Teacher and Principal Improvement Act".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Teacher quality is the single most important in-school factor influencing student learning and achievement.

(2) A report by William L. Sanders and June C. Rivers showed that if 2 average 8-year-old students were given different teachers, 1 of them a high performer, the other a low performer, the students' performance diverged by more than 50 percentile points within 3 years.

(3) A similar study by Heather Jordan, Robert Mendro, and Dash Weerasinghe showed that the performance gap between students assigned 3 effective teachers in a row, and those assigned 3 ineffective teachers in a row, was 49 percentile points.

(4) In Boston, research has shown that students placed with high-performing mathematics teachers made substantial gains, while students placed with the least effective teachers regressed and their mathematics scores decreased.

(5) McKinsey & Company found that studies that take into account all of the available evidence on teacher effectiveness suggest that students placed with high-performing teachers will progress 3 times as fast as those placed with low-performing teachers.

(6) A 2003 study by Richard Ingersoll found that new teachers, not just those in hard-to-staff schools, face such challenging working conditions that nearly one-half leave the profession within their first 5 years, one-third leave within their first 3 years, and 14 percent leave by the end of their first year.

(7) A report by the National Commission on Teaching and America's Future estimated that the nationwide cost of replacing public school teachers who have dropped out of the profession is \$7,300,000,000 annually.

(8) Research by Thomas Smith, Richard Ingersoll, and Anthony Villar has shown that comprehensive mentoring and induction reduces teacher attrition by as much as one-half and strengthens new teacher effectiveness.

(9) A recent School Redesign Network at Stanford University and National Staff Development Council report by Linda Darling-Hammond, Ruth Chung Wei, Alethea Andree, Nikole Richardson, and Stelios Orphanos found that—

(A) a set of programs that offered substantial contact hours of professional development (ranging from 30 to 100 hours in total) spread over 6 to 12 months showed a positive and significant effect on student achievement gains; and

(B) intensive professional development, especially when it includes applications of knowledge to teachers' planning and instruction, has a greater chance of influencing teacher practices, and in turn, leading to gains in student learning. Such intensive professional development has shown a positive and significant effect on student achievement gains, in some cases by approximately 21 percentile points.

(10) Recent reports from the Center for American Progress, Education Sector, Hope Street Group, and the New Teacher Project have collectively demonstrated the significant flaws in current teacher evaluation and

implementation, and the necessity for redesigning these systems and linking such evaluation to individualized feedback and substantive targeted support in order to ensure effective teaching.

(11) Research by Kenneth Liethwood, Karen Seashore Louis, Stephen Anderson, and Kyla Wahlstrom found that—

(A) leadership is second only to classroom instruction among school-related factors that influence student outcomes; and

(B) direct and indirect leadership effects account for about one-quarter of total school effects on student learning.

(12) Research by Charles Clotfelter, Helen Ladd, Kenneth Liethwood, and Anthony Milanowski has shown that the quality of working conditions, particularly supportive school leadership, impacts student academic achievement and teacher recruitment, retention, and effectiveness.

(b) PURPOSES.—The purposes of this Act are to build capacity for developing effective teachers and principals in our Nation's schools through—

(1) the redesign of teacher and principal evaluation and assessment systems;

(2) comprehensive, high-quality, rigorous multi-year induction and mentoring programs for beginning teachers, principals, and other school leaders;

(3) systematic, sustained, and coherent professional development for all teachers that is team-based and job-embedded;

(4) systematic, sustained, and coherent professional development for school principals, other school leaders, school librarians, paraprofessionals, and other staff; and

(5) increased teacher leadership opportunities, including compensation for teacher leaders who take on new roles in providing school-based professional development, mentoring, rigorous evaluation, and instructional coaching.

### SEC. 3. DEFINITIONS.

Section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) is amended—

(1) by striking paragraph (34) and inserting the following:

“(34) PROFESSIONAL DEVELOPMENT.—The term ‘professional development’ means comprehensive, sustained, and intensive support, provided for teachers, principals, school librarians, other school leaders, and other instructional staff, that—

“(A) fosters collective responsibility for improved student learning;

“(B) is designed and implemented in a manner that increases teacher, principal, school librarian, other school leader, paraprofessional, and other instructional staff effectiveness in improving student learning and strengthening classroom practice;

“(C) analyzes and uses real-time data and information collected from—

“(i) evidence of student learning;

“(ii) evidence of classroom practice; and

“(iii) the State's longitudinal data system;

“(D) is aligned with—

“(i) rigorous State student academic achievement standards developed under section 1111(b)(1);

“(ii) related academic and school improvement goals of the school, local educational agency, and statewide curriculum;

“(iii) statewide and local curricula; and

“(iv) rigorous standards of professional practice and development;

“(E) primarily occurs multiple times per week during the regular school day among established collaborative teams of teachers, principals, school librarians, other school leaders, and other instructional staff, by grade level and content area (to the extent applicable and practicable), which teams engage in a continuous cycle of professional learning and improvement that—

“(i) identifies, reviews, and analyzes—

“(I) evidence of student learning; and

“(II) evidence of classroom practice;

“(ii) defines a clear set of educator learning goals to improve student learning and strengthen classroom practice based on the rigorous analysis of evidence of student learning and evidence of classroom practice;

“(iii) develops and implements coherent, sustained, and evidenced-based professional development strategies to meet such goals (including through instructional coaching, lesson study, and study groups organized at the school, team, or individual levels);

“(iv) provides learning opportunities for teachers to collectively develop and refine student learning goals and the teachers' instructional practices and the use of formative assessment;

“(v) provides an effective mechanism to support the transfer of new knowledge and skills to the classroom (including utilizing teacher leaders, instructional coaches, and content experts to support such transfer); and

“(vi) provides opportunities for follow-up, observation, and formative feedback and assessment of the teacher's classroom practice, on a regular basis and in a manner that allows each such teacher to identify areas of classroom practice that need to be strengthened, refined, and improved;

“(F) regularly assesses the effectiveness of the professional development, and uses such assessments to inform ongoing improvements, in—

“(i) improving student learning; and

“(ii) strengthening classroom practice; and

“(G) supports the recruiting, hiring, and training of highly qualified teachers, including teachers who become highly qualified through State and local alternative routes to certification or licensure.”;

(2) by adding at the end the following:

“(44) EVIDENCE OF CLASSROOM PRACTICE.—The term ‘evidence of classroom practice’ means evidence of classroom practice gathered through multiple formats and sources, including some or all of the following:

“(A) Demonstration of effective teaching skills.

“(B) Classroom observations based on rigorous teacher performance standards or rubrics.

“(C) Student work.

“(D) Teacher portfolios.

“(E) Videos of teacher practice.

“(F) Lesson plans.

“(G) Information on the extent to which the teacher collaborates and shares best practices with other teachers and instructional staff.

“(H) Information on the teacher's successful use of research and data.

“(I) Parent, student, and peer feedback.

“(45) EVIDENCE OF STUDENT LEARNING.—The term ‘evidence of student learning’ means—

“(A) data, which shall include value-added data based on student learning gains and teacher impact where available, on State student academic assessments under section 1111(c); and

“(B) other evidence of student learning, including some or all of the following:

“(i) Data, which shall include value-added data based on student learning gains and teacher impact where available, on other student academic achievement assessments.

“(ii) Student work, including measures of performance criteria and evidence of student growth.

“(iii) Teacher-generated information about student goals and growth.

“(iv) Formative and summative assessments.

“(v) Objective performance-based assessments.

“(vi) Assessments of affective engagement and self-efficacy.

“(46) LOWEST ACHIEVING SCHOOL.—The term ‘lowest achieving school’ means a school served by a local educational agency that—

“(A) is failing to make adequate yearly progress as described in section 1111(b)(2), for the greatest number of subgroups described in section 1111(b)(2)(C)(v) and by the greatest margins, as compared to the other schools served by the local educational agency; and

“(B) in the case of a secondary school, has a graduation rate of less than 65 percent.

“(47) SCHOOL LEADER.—The term ‘school leader’ means an individual who—

“(A) is an employee or officer of a school; and

“(B) is responsible for—

“(i) the school's performance; and

“(ii) the daily instructional and managerial operations of the school.

“(48) TEACHING SKILLS.—The term ‘teaching skills’ means skills that are consistent with section 200 of the Higher Education Act of 1965 and that enable a teacher to—

“(A) increase student learning, achievement, and the ability to apply knowledge;

“(B) effectively convey and explain academic subject matter;

“(C) effectively teach higher-order analytical, evaluation, problem-solving, and communication skills;

“(D) develop and effectively apply new knowledge, skills, and practices;

“(E) employ strategies grounded in the disciplines of teaching and learning that—

“(i) are based on empirically based practice and scientifically valid research, where applicable, related to teaching and learning;

“(ii) are specific to academic subject matter;

“(iii) focus on the identification of students' specific learning needs, (including children with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels), and the tailoring of academic instruction to such needs; and

“(iv) enable effective inclusion of children with disabilities and English language learners, including the utilization of—

“(I) response to intervention;

“(II) positive behavioral supports;

“(III) differentiated instruction;

“(IV) universal design of learning;

“(V) appropriate accommodations for instruction and assessments;

“(VI) collaboration skills; and

“(VII) skill in effectively participating in individualized education program meetings required under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414);

“(F) conduct an ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measures higher-order thinking skills (including application, analysis, synthesis, and evaluation);

“(G) effectively manage a classroom, including the ability to implement positive behavioral support strategies;

“(H) communicate and work with parents, and involve parents in their children's education; and

“(I) use age-appropriate and developmentally appropriate strategies and practices.”; and

(3) by redesignating paragraphs (1) through (39), the undesignated paragraph following paragraph (39), and paragraphs (41) through (48) (as amended by this section) as paragraphs (1) through (18), (21) through (28), (30) through (40), (42) through (46), (48), (19), (20), (29), (41), and (47), respectively.

**SEC. 4. SCHOOL IMPROVEMENT.**

Section 1003(g)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6303(g)(5)) is amended—

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

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

(3) by adding at the end the following:

“(D) permitted to be used to supplement the activities required under section 2502.”.

**SEC. 5. TEACHER AND PRINCIPAL PROFESSIONAL DEVELOPMENT AND SUPPORT.**

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

**“PART E—BUILDING SCHOOL CAPACITY FOR EFFECTIVE TEACHING AND LEADERSHIP****“SEC. 2501. LOCAL SCHOOL IMPROVEMENT ACTIVITIES.**

“(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

“(1) GRANTS.—From amounts made available under section 2504, the Secretary shall award grants, through allotments under paragraph (3)(A), to States to enable the States to award subgrants to local educational agencies under this part.

“(2) RESERVATIONS.—A State that receives a grant under this part for a fiscal year shall—

“(A) reserve 95 percent of the funds made available through the grant to make subgrants, through allocations under paragraph (3)(B), to local educational agencies; and

“(B) use the remainder of the funds for—

“(i) administrative activities and technical assistance in helping local educational agencies carry out this part;

“(ii) statewide capacity building strategies to support local educational agencies in the implementation of the required activities under section 2502; and

“(iii) conducting the evaluation required under section 2503.

“(3) FORMULAS.—

“(A) ALLOTMENTS.—The allotment provided to a State under this section for a fiscal year shall bear the same relation to the total amount available for such allotments for the fiscal year, as the allotment provided to the State under section 2111(b) for such year bears to the total amount available for such allotments for such year.

“(B) ALLOCATIONS.—The allocation provided to a local educational agency under this section for a fiscal year shall bear the same relation to the total amount available for such allocations for the fiscal year, as the allocation provided the State under section 2121(a) for such year bears to the total amount available for such allocations for such year.

“(4) SCHOOLS FIRST SUPPORTED.—A local educational agency receiving a subgrant under this part shall first use such funds to carry out the activities described in section 2502(a) in each lowest achieving school served by the local educational agency—

“(A) that demonstrates the greatest need for subgrant funds based on the data analysis described in subsection (b)(3); and

“(B) in which not less than 40 percent of the students enrolled in the school are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(b) LOCAL EDUCATIONAL AGENCY APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive a subgrant under this part, a local educational agency shall submit to the State educational agency an application described in paragraph (2), and a summary of the data analysis conducted under paragraph (3), at

such time, in such manner, and containing such information as the State educational agency may reasonably require.

“(2) CONTENTS OF APPLICATION.—Each application submitted pursuant to paragraph (1) shall include—

“(A) a description of how the local educational agency will assist the lowest achieving schools served by the local educational agency in carrying out the requirements of section 2502, including—

“(i) developing and implementing the teacher and principal evaluation system pursuant to section 2502(a)(3);

“(ii) implementing teacher induction programs pursuant to section 2502(a)(1);

“(iii) providing effective professional development in accordance with section 2502(a)(2);

“(iv) implementing mentoring, coaching, and sustained professional development for school principals and other school leaders pursuant to section 2502(a)(4); and

“(v) providing significant and sustainable teacher stipends, pursuant to section 2502(a)(6);

“(B) a description of how the local educational agency will—

“(i) conduct and utilize valid and reliable surveys pursuant to section 2502(b); and

“(ii) ensure that such programs are integrated and aligned pursuant to section 2502(c);

“(C)(i) a description of how the local educational agency will use subgrant funds to target and support the lowest achieving schools described in section 2501(a)(4) before using funds for other lowest achieving schools; and

“(ii) a list that identifies all of the lowest achieving schools that will be assisted under the subgrant;

“(D) a description of how the local educational agency will enable effective inclusion of children with disabilities and English language learners, including through utilization by the teachers, principals, and other school leaders of the local educational agency of—

“(i) response to intervention;

“(ii) positive behavioral supports;

“(iii) differentiated instruction;

“(iv) universal design of learning;

“(v) appropriate accommodations for instruction and assessments;

“(vi) collaboration skills; and

“(vii) skill in effectively participating in individualized education program meetings required under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414);

“(E) a description of how the local educational agency will assist the lowest achieving schools in utilizing real-time student learning data, based on evidence of student learning and evidence of classroom practice, to—

“(i) drive instruction; and

“(ii) inform professional development for teachers, mentors, principals, and other school leaders; and

“(F) a description of how the programs and assistance provided under section 2502 will be managed and designed, including a description of the division of labor and different roles and responsibilities of local educational agency central office staff members, school leaders, teacher leaders, coaches, mentors, and evaluators.

“(3) DATA ANALYSIS.—A local educational agency desiring a subgrant under this part shall, prior to applying for the subgrant, conduct a data analysis of each school served by the local educational agency, based on data and information collected from evidence of student learning, evidence of classroom practice, and the State's longitudinal data system, in order to—

“(A) determine which schools have the most critical teacher, principal, and other school leader quality, effectiveness, and professional development needs; and

“(B) allow the local educational agency to identify the specific needs regarding the quality, effectiveness, and professional development needs of the school's teachers, principals, and other school leaders, including with respect to instruction provided for individual student subgroups (including children with disabilities and English language learners) and specific grade levels and content areas.

“(4) JOINT DEVELOPMENT AND SUBMISSION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a local educational agency shall—

“(i) jointly develop the application and data analysis framework under this subsection with local organizations representing the teachers, principals, and other school leaders in the local educational agency; and

“(ii) submit the application and data analysis in partnership with such local teacher, principal, and school leader organizations.

“(B) EXCEPTION.—A State may, after consultation with the Secretary, consider an application from a local educational agency that is not jointly developed and submitted in accordance with subparagraph (A) if the application includes documentation of the local educational agency's extensive attempt to work jointly with local teacher, principal, and school leader organizations.

**“SEC. 2502. USE OF FUNDS.**

“(a) INDUCTION, PROFESSIONAL DEVELOPMENT, AND EVALUATION SYSTEM.—A local educational agency that receives a subgrant under this part shall use the subgrant funds to improve teacher and principal quality through a system of teacher and principal induction, professional development, and evaluation. Such system shall be developed, implemented, and evaluated in collaboration with local teacher, principal, and school leader organizations and local teacher, principal, and school leader preparation programs and shall provide assistance to each school that the local educational agency has identified under section 2501(b)(2)(C)(ii), to—

“(1) implement a comprehensive, coherent, high quality formalized induction program for beginning teachers during not less than the teachers' first 2 years of full-time employment as teachers with the local educational agency, that shall include—

“(A) rigorous mentor selection by school or local educational agency leaders with mentoring and instructional expertise, including requirements that the mentor demonstrate—

“(i) a proven track record of improving student learning;

“(ii) strong interpersonal and oral and written communication skills;

“(iii) exemplary teaching skills, particularly with diverse learners, including children with disabilities and English language learners;

“(iv) skill in enabling the effective inclusion of diverse learners, including children with disabilities and English language learners;

“(v) commitment to personal and professional growth and learning, such as National Board for Professional Teaching Standards certification;

“(vi) willingness and experience in using real-time data, as well as school and classroom level practices that have demonstrated the capacity to—

“(I) improve student learning and classroom practice; and

“(II) inform instruction and professional growth;



“(vii) skill in engaging in successful collaboration with other teachers, other school leaders, and staff;

“(viii) extensive knowledge of planning effective assessments and analysis of student data;

“(ix) ability to address needs of adult learners in professional development;

“(x) a commitment to participate in professional development throughout the year to develop the knowledge and skills related to effective mentoring;

“(xi) skill in promoting teacher reflection through formative assessment processes, including conversations with beginning teachers using evidence of student learning and evidence of classroom practice; and

“(xii) ability to improve the effectiveness of the mentor’s mentees, as assessed by the evaluation system described in paragraph (3);

“(B) a program of high quality, intensive, and ongoing mentoring and mentor-teacher interactions that—

“(i) matches mentors with beginning teachers by grade level and content area, to the extent practicable;

“(ii) assists each beginning teacher in—

“(I) analyzing data based on the beginning teacher’s evidence of student learning and evidence of classroom practice, and utilizing research-based instructional strategies, including differentiated instruction, to inform and strengthen such practice;

“(II) developing and enhancing effective teaching skills;

“(III) enabling effective inclusion of children with disabilities and English language learners, including through the utilization of—

“(aa) response to intervention;

“(bb) positive behavioral supports;

“(cc) differentiated instruction;

“(dd) universal design of learning;

“(ee) appropriate accommodations for instruction and assessments;

“(ff) collaboration skills; and

“(gg) skill in effectively participating in individualized education program meetings required under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414);

“(IV) using formative assessments to—

“(aa) collect and analyze classroom-level data;

“(bb) foster evidence-based discussions;

“(cc) provide opportunities for self assessment;

“(dd) examine classroom practice; and

“(de) establish goals for professional growth; and

“(V) achieving the goals of the school, district, and statewide curricula;

“(iii) provides regular and ongoing opportunities for beginning teachers and mentors to observe each other’s teaching methods in classroom settings during the school day;

“(iv) models innovative teaching methodologies through techniques such as team teaching, demonstrations, simulations, and consultations;

“(v) aligns with the mission and goals of the local educational agency and school;

“(vi) (I) acts as a vehicle for a beginning teacher to establish short- and long-term planning and professional goals and to improve student learning and classroom practice; and

“(II) guides, monitors, and assesses the beginning teacher’s progress toward such goals;

“(vii) assigns not more than 12 beginning teacher mentees to a mentor who works full-time, and reduces such maximum number of mentees proportionately for a mentor who works on a part-time basis;

“(viii) provides joint professional development opportunities for mentors and beginning teachers;

“(ix) may include the use of master teachers to support mentors or other teachers;

“(x) improves student learning and classroom practice, as measured by the evaluation system described in paragraph (3); and

“(xi) assists each beginning teacher in—

“(I) connecting students’ prior knowledge, life experience, and interests with learning goals; and

“(II) engaging students in problem-solving and critical thinking;

“(C) paid school release time of not less than 90 minutes per week for high quality mentoring and mentor-teacher interactions;

“(D) foundational training and ongoing professional development for mentors that support the high quality mentoring and mentor-teacher interactions described in subparagraph (B); and

“(E) use of research-based teaching standards, formative assessments, teacher portfolio processes (such as the National Board for Professional Teaching Standards certification process), and teacher development protocols that supports the high quality mentoring and mentor-teacher interactions described in subparagraph (B);

“(2) implement high-quality effective professional development for teachers, principals, school librarians, and other school leaders serving the schools targeted for assistance under the subgrant;

“(3) develop and implement a rigorous, transparent, and equitable teacher and principal evaluation system for all schools served by the local educational agency that—

“(A)(i) provides formative individualized feedback to teachers and principals on areas for improvement;

“(ii) provides for substantive support and interventions targeted specifically on such areas of improvement; and

“(iii) results in summative evaluations;

“(B) differentiates the effectiveness of teachers and principals using multiple rating categories that take into account evidence of student learning;

“(C) shall be developed, implemented, and evaluated in partnership with local teacher and principal organizations; and

“(D) includes—

“(i) valid, clearly defined, and reliable performance standards and rubrics for teacher evaluation based on multiple performance measures, which shall include a combination of—

“(I) evidence of classroom practice; and

“(II) evidence of student learning as a significant factor;

“(ii) valid, clearly defined, and reliable performance standards and rubrics for principal evaluation based on multiple performance measures of student learning and leadership skills, which standards shall include—

“(I) planning and articulating a shared and coherent schoolwide direction and policy for achieving high standards of student performance;

“(II) identifying and implementing the activities and rigorous curriculum necessary for achieving such standards of student performance;

“(III) supporting a culture of learning and professional behavior and ensuring quality measures of classroom practice;

“(IV) communicating and engaging parents, families, and other external communities; and

“(V) collecting, analyzing, and utilizing data and other tangible evidence of student learning and evidence of classroom practice to guide decisions and actions for continuous improvement and to ensure performance accountability;

“(iii) multiple and distinct rating options that allow evaluators to—

“(I) conduct multiple classroom observations throughout the school year;

“(II) examine the impact of the teacher or principal on evidence of student learning and evidence of classroom practice;

“(III) specifically describe and compare differences in performance, growth, and development; and

“(IV) provide teachers or principals with detailed individualized feedback and evaluation in a manner that allows each teacher or principal to identify the areas of classroom practice that need to be strengthened, refined, and improved;

“(iv) implementing a formative assessment and summative evaluation process based on the performance standards established under clauses (i) and (ii);

“(v) rigorous training for evaluators on the performance standards established under clauses (i) and (ii) and the process of conducting effective evaluations, including how to provide specific feedback and improve teaching and principal practice based on evaluation results;

“(vi) regular monitoring and assessment of the quality and fairness of the evaluation system and the evaluators’ judgements, including with respect to—

“(I) inter-rater reliability, including independent or third-party reviews;

“(II) student assessments used in the evaluation system;

“(III) the performance standards established under clauses (i) and (ii);

“(IV) training and qualifications of evaluators; and

“(V) timeliness of teacher and principal evaluations and feedback;

“(vii) a plan and substantive targeted support for teachers and principals who fail to meet the performance standards established under clauses (i) and (ii);

“(viii) a streamlined, transparent, fair, and objective decisionmaking process for documentation and removal of teacher and principals who fail to meet such performance standards, as governed by any applicable collective bargaining agreement or State law and after substantive targeted and reasonable support has been provided to such teachers and principals; and

“(ix) in the case of a local educational agency in a State that has a State evaluation framework, the alignment of the local educational agency’s evaluation system with, at a minimum, such framework and the requirements of this paragraph;

“(4) implement ongoing high-quality support, coaching, and professional development for principals and other school leaders serving the schools targeted for assistance under such subgrant, which shall—

“(A) include a comprehensive, coherent, high-quality formalized induction program outside the supervisory structure for beginning principals and other school leaders, during not less than the principals’ and other school leaders’ first 2 years of full-time employment as a principal or other school leader in the local educational agency, to develop and improve the knowledge and skills described in subparagraph (B), including—

“(i) a rigorous mentor or coach selection process based on exemplary administrative expertise and experience;

“(ii) a program of ongoing opportunities throughout the school year for the mentoring or coaching of beginning principals and other school leaders, including opportunities for regular observation and feedback;

“(iii) foundational training and ongoing professional development for mentors or coaches; and

“(iv) the use of research-based leadership standards, formative and summative assessments, or principal and other school leader protocols (such as the National Board for

Professional Teaching Standards Certification for Educational Leaders program or the 2008 Interstate School Leaders Licensure Consortium Standards); and

“(B) improve the knowledge and skills of school principals and other school leaders in—

“(i) planning and articulating a shared and clear schoolwide direction, vision, and strategy for achieving high standards of student performance;

“(ii) identifying and implementing the activities and rigorous student curriculum and assessments necessary for achieving such standards of performance;

“(iii) managing and supporting a collaborative culture of ongoing learning and professional development and ensuring quality evidence of classroom practice (including shared or distributive leadership and providing timely and constructive feedback to teachers to improve student learning and strengthen classroom practice);

“(iv) communicating and engaging parents, families, and local communities and organizations (including engaging in partnerships among elementary schools, secondary schools, and institutions of higher education to ensure the vertical alignment of student learning outcomes);

“(v) collecting, analyzing, and utilizing data and other tangible evidence of student learning and classroom practice (including the use of formative and summative assessments) to—

“(I) guide decisions and actions for continuous instructional improvement; and

“(II) ensure performance accountability;

“(vi) managing resources and school time to ensure a safe and effective student learning environment; and

“(vii) designing and implementing strategies for differentiated instruction and effectively identifying and educating diverse learners, including children with disabilities and English language learners;

“(5)(A) create or enhance opportunities for teachers to assume new school leadership roles and responsibilities, including—

“(i) serving as mentors, instructional coaches, or master teachers; or

“(ii) assuming increased responsibility for professional development activities, curriculum development, or school improvement and leadership activities; and

“(B) provide training for teachers who assume such school leadership roles and responsibilities; and

“(6) provide significant and sustainable stipends above a teacher's base salary for teachers that serve as mentors, instructional coaches, teacher leaders, or evaluators under the programs described in this subsection.

“(b) SURVEY.—A local educational agency receiving a subgrant under this part shall conduct a valid and reliable full population survey of teaching and learning, at the school and local educational agency level, and include, as topics in the survey, not less than the following elements essential to improving student learning and retaining effective teachers:

“(1) Instructional planning time.

“(2) School leadership.

“(3) Decision-making processes.

“(4) Teacher professional development.

“(5) Facilities and resources, including the school library.

“(6) Beginning teacher induction.

“(7) School safety and environment.

“(c) INTEGRATION AND ALIGNMENT.—The system described in subsection (a) shall—

“(1) integrate and align all of the activities described in such subsection;

“(2) be informed by, and integrated with, the results of the survey described in subsection (b);

“(3) be aligned with the State's school improvement efforts under sections 1116 and 1117; and

“(4) be aligned with the programs funded under title II of the Higher Education Act of 1965 and other professional development programs authorized under this Act.

“(d) ELIGIBLE ENTITIES.—The assistance required to be provided under this section may be provided—

“(1) by the local educational agency; or

“(2) by the local educational agency, in collaboration with—

“(A) the State educational agency;

“(B) an institution of higher education;

“(C) a nonprofit organization;

“(D) a teacher organization;

“(E) a principal or school leader organization;

“(F) an educational service agency;

“(G) a teaching residency program; or

“(H) another nonprofit entity with experience in helping schools improve student achievement.

#### “SEC. 2503. PROGRAM EVALUATION.

“(a) IN GENERAL.—Each program required under section 2502(a) shall include a formal evaluation system to determine, at a minimum, the effectiveness of each such program on—

“(1) student learning;

“(2) retaining teachers and principals, including differentiating the retainment data by profession and by the level of performance of the teachers and principals, based on the evaluation system described in section 2502(a)(3);

“(3) teacher, principal, and other school leader practice, which shall include, for teachers and principals, practice measured by the teacher and principal evaluation system described in section 2502(a)(3);

“(4) student graduation rates, as applicable;

“(5) teaching, learning, and working conditions;

“(6) parent, family, and community involvement and satisfaction;

“(7) student attendance rates;

“(8) teacher and principal satisfaction; and

“(9) student behavior.

“(b) LOCAL EDUCATIONAL AGENCY AND SCHOOL EFFECTIVENESS.—The formal evaluation system described in subsection (a) shall also measure the effectiveness of the local educational agency and school in—

“(1) implementing the comprehensive induction program described in section 2502(a)(1);

“(2) implementing high-quality professional development described in section 2502(a)(2);

“(3) developing and implementing a rigorous, transparent, and equitable teacher and principal evaluation system described in section 2502(a)(3);

“(4) implementing mentoring, coaching, and professional development for school principals and other school leaders described in section 2502(a)(4);

“(5) ensuring that mentors, teachers, and schools are using data to inform instructional practices; and

“(6) ensuring that the comprehensive induction and high-quality mentoring required under section 2502(a)(1) and the high impact professional development required under section 2502(a)(2) are integrated and aligned with the State's school improvement efforts under sections 1116 and 1117.

“(c) CONDUCT OF EVALUATION.—The evaluation described in subsection (a) shall be—

“(1) conducted by the State, an institution of higher education, or an external agency that is experienced in conducting such evaluations; and

“(2) developed in collaboration with groups such as—

“(A) experienced educators with track records of success in the classroom;

“(B) institutions of higher education involved with teacher induction and professional development located within the State; and

“(C) local teacher, principal, and school leader organizations.

“(d) DISSEMINATION.—

“(1) IN GENERAL.—The results of the evaluation described in subsection (a) shall be submitted to the Secretary.

“(2) DISSEMINATION.—The Secretary shall make the results of each evaluation described in subsection (a) available to States, local educational agencies, and the public.

#### “SEC. 2504. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part \$1,000,000,000 for fiscal year 2011 and such sums as may be necessary for each succeeding fiscal year.”

By Mr. PRYOR:

S. 3243. A bill to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to complete all periodic background reinvestigations of certain law enforcement personnel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. PRYOR. Mr. President, I rise today to discuss the related problems of corruption at the U.S. border with Mexico, turf wars between Federal investigators of corruption, and inadequate screening for corruption of law enforcement personnel. Solving these problems is crucial to ensuring we have a system that keeps drugs out, guns in, and maintains an effective defense against efforts by drug cartels to infiltrate parts of the Department of Homeland Security tasked with border security.

The Mexican cartels that dominate drug trafficking into the U.S. are sophisticated, ruthless, and well-funded. They operate widely in Mexico through bribery and corruption and smuggle up to \$25 billion of illegal drugs as well as people into the U.S. They also smuggle illegal guns and drug money back into Mexico. In 2009, drug violence in Mexico resulted in over 9,600 murders. Already this year there have been over 3,300 murders. Some of the illegal drugs and money goes to and through my State of Arkansas.

The cartels used to operate differently in the U.S. relying mostly on stealth and a U.S. distribution network that reportedly includes operations in an estimated 230 American cities. In my State, the network includes the cities of Little Rock, Fort Smith and Fayetteville. The heightened U.S. border defenses have put a squeeze on cartels. They have tried to regain an advantage by exporting to the U.S. their experience and success in bribing and corrupting government officials who can facilitate their business.

Today, I am introducing legislation and sending a letter with three other



senators to the Secretary of the Department of Homeland Security to reverse what has become a successful campaign by drug cartels to infiltrate U.S. law enforcement. At risk here is more than drug trafficking. National security is also threatened because border weaknesses can be exploited by terrorists to transport operatives and weapons into the U.S.

At a recent hearing I chaired in a subcommittee of the Homeland Security Committee, witnesses revealed that while an array of U.S. Government agencies have been targeted for infiltration by the cartels, the U.S. Customs and Border Protection, known as CBP, has been shockingly susceptible to the threat. Federal investigators testified that 129 CBP officials have been arrested on corruption charges since 2003. In addition, the DHS Inspector General opened 576 allegations of corruption within CBP in 2009. Now, the vast majority of CBP officers are good, decent, hard-working people. That is why we need to help them root out those that are corrupting the system.

Some of CBP's susceptibility to infiltrate is the result of the high-threat environment in which CBP works. But it is also because the dramatic increases in staff levels since 2003—which is a good thing—means that the agency doesn't always meet its own guidelines for screening of job applicants and existing employees. That is not as good, and we need to take action to make sure that the processes in place to uncover infiltration and corruption are effective.

Established personnel integrity policies call for polygraph examinations and background investigations of all job applicants for CBP law enforcement positions as part of the screening process prior to being offered employment, however less than 15 percent received the full screening in 2009. CBP also has a 10,000 person backlog on these reinvestigations of existing personnel.

There are also indications that there may be coordination and information sharing problems between the DHS components responsible for investigating corruption. Evidence of these problems include a December 16, 2009, memo from the DHS Inspector General's office and a March 30, 2010, Washington Post article detailing a lack of coordination between Federal investigators regarding corruption cases.

As we seem to learn over and over again, cooperation and coordination by Federal, state, and local law enforcement is essential to identifying and defeating threats to our national security. The threat of infiltration by drug cartels is no different.

I am deeply concerned that the department responsible for the security of our homeland is falling short in these important areas.

To address these problems, I am sending a letter along with Senators FEINGOLD, WYDEN, and BURRIS to DHS

Secretary Napolitano requesting that she resolve turf issues between investigators and integrity screening shortcomings at CBP. I ask unanimous consent that this letter be inserted in the RECORD after my statement.

I am also introducing the Anti-Border Corruption Act of 2010. My bill requires DHS to address the integrity screening problems at CBP and make progress reports to Congress. Specifically, it requires that DHS take such actions as necessary to ensure that the backlog of periodic background investigations is cleared up within 60 days. It also requires job applicants to receive the polygraph test as required by DHS policy within 2 years.

Finally, I close with a message about and to the men and women at Customs and Border Protection. Despite the unfortunate actions of a few that dishonor a proud tradition at CBP, we know the vast majority of CBP employees are patriotic, honest, and hard-working. We know and value the contribution they make to the safety of America and the risks that they take on our behalf. They deserve and have our thanks, support, and commitment to help them weed out bad elements in their organization.

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

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

S. 3243

*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 "Anti-Border Corruption Act of 2010".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Office of the Inspector General of the Department of Homeland Security, since 2003, 129 U.S. Customs and Border Protection officials have been arrested on corruption charges and, during 2009, 576 investigations were opened on allegations of improper conduct by U.S. Customs and Border Protection officials.

(2) To foster integrity in the workplace, established policy of U.S. Customs and Border Protection calls for—

(A) all job applicants for law enforcement positions at U.S. Customs and Border Protection to receive a polygraph examination and a background investigation before being offered employment; and

(B) relevant employees to receive a periodic background reinvestigation every 5 years.

(3) According to the Office of Internal Affairs of U.S. Customs and Border Protection—

(A) in 2009, less than 15 percent of applicants for jobs with U.S. Customs and Border Protection received polygraph examinations;

(B) as of March 2010, U.S. Customs and Border Protection had a backlog of approximately 10,000 periodic background reinvestigations of existing employees; and

(C) without additional resources, by the end of fiscal year 2010, the backlog of periodic background reinvestigations will increase to approximately 19,000.

#### SEC. 3. REQUIREMENTS WITH RESPECT TO ADMINISTERING POLYGRAPH EXAMINATIONS TO LAW ENFORCEMENT PERSONNEL OF U.S. CUSTOMS AND BORDER PROTECTION.

The Secretary of Homeland Security shall ensure that—

(1) by not later than 2 years after the date of the enactment of this Act, all applicants for law enforcement positions with U.S. Customs and Border Protection receive polygraph examinations before being hired for such a position; and

(2) by not later than 180 days after the date of the enactment of this Act, U.S. Customs and Border Protection initiates or completes all periodic background reinvestigations for all law enforcement personnel of U.S. Customs and Border Protection that should receive periodic background reinvestigations pursuant to relevant policies of U.S. Customs and Border Protection in effect on the day before the date of the enactment of this Act.

#### SEC. 4. PROGRESS REPORT.

Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter through the date that is 2 years after such date of enactment, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress made by U.S. Customs and Border Protection toward complying with section 3.

APRIL 21, 2010.

HON. JANET NAPOLITANO,  
*Secretary, Department of Homeland Security,*  
*Washington, DC.*

DEAR SECRETARY NAPOLITANO: In a recent hearing in the Homeland Security and Governmental Affairs Subcommittee on State, Local, and Private Sector Preparedness and Integration on the corruption of U.S. officials by Mexican drug cartels, senior officials of the Department of Homeland Security (DHS) testified that drug cartels are specifically targeting and infiltrating federal law enforcement agencies along the southwest border. These corruption activities encompass almost every layer of the DHS border security strategy.

Of concern are indications that there may be coordination and information sharing problems that result in duplication of investigative efforts between the DHS components responsible for investigating corruption. Evidence of these problems include the attached December 16, 2009, memo from the DHS Inspector General's office asserting jurisdiction over corruption investigations currently being carried out by the Customs and Border Protection Internal Affairs and a March 30, 2010, Washington Post article detailing a lack of coordination between Federal investigators regarding corruption cases. We ask that you assist these DHS components in developing clearly defined roles and responsibilities regarding corruption investigations to ensure proper sharing of information and prevention of duplicative investigations. It is our belief that cooperation and participation by Federal, state, and local law enforcement is essential to eliminating this growing threat to our national security.

Also of concern was testimony regarding significant, growing corruption within U.S. Customs and Border Protection (CBP) where 129 officials have been arrested on corruption charges since 2003. The DHS Inspector General reported that it had opened 576 allegations of corruption within CBP in 2009. It appears that CBP has been susceptible to infiltration and corruption because it occupies the front line in the prevention of smuggling

and illegal border crossings into the U.S., its dramatic increases in staff levels since 2003, and DHS not meeting its own guidelines for integrity screening of job applicants and existing employees.

Hearing testimony established that although DHS integrity policies call for polygraph examinations and background investigations of all new job applicants for CBP law enforcement positions as part of the screening process prior to being offered employment, less than 15% received the full screening in 2009. Testimony also established that periodic reinvestigations are required of current law enforcement personnel to uncover signs of corruption. CBP currently has a 10,000 person backlog of periodic reinvestigations, with the number expected to rise to 19,000 by the end of this year.

These shortcomings pose a clear national security risk. We believe this issue requires your immediate attention and would like you to examine and specify what DHS is currently doing to properly address these problems. We look forward to working with you to solve this problem.

Sincerely,

RUSSELL D. FEINGOLD.  
MARK L. PRYOR.  
RON WYDEN.  
ROLAND W. BURRIS.

#### SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 59—EXPRESSING THE SENSE OF CONGRESS THAT THE UNITED STATES SHOULD NEITHER BECOME A SIGNATORY TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT NOR ATTEND THE REVIEW CONFERENCE OF THE ROME STATUTE IN KAMPALA, UGANDA IN MAY 2010

Mr. VITTER (for himself, Mr. INHOFE, Mr. KYL, and Mr. CRAPO) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 59

Whereas President William Clinton signed the Rome Statute on the International Criminal Court ("Rome Statute") through a designee on December 31, 2000, but acknowledged "significant flaws" in the treaty, and recommended that President-elect George W. Bush not submit the treaty to the Senate for advice and consent;

Whereas the "significant flaws" identified by President Clinton—including the fact that the International Criminal Court ("ICC") claims the power to exercise authority and jurisdiction over the citizens of nations that have not ratified the treaty—persist and have not been remedied;

Whereas President Bush, through Undersecretary of State for Arms Control John Bolton, notified United Nations Secretary-General Kofi Annan on May 6, 2002, that the United States does not intend to become a party to the Rome Statute and therefore has no legal obligations arising from its signature on December 31, 2000;

Whereas the United States Government, acting through its elected representatives, is the sole arbiter regarding decisions on the use of military force in its defense or in the defense of its allies;

Whereas the Rome Statute undermines national sovereignty and established principles of customary international law by claiming

the authority in certain circumstances to investigate and prosecute citizens and military personnel of a country that is not a party to the treaty and has not accepted the jurisdiction of the court;

Whereas the United Nations Security Council—upon which the United States holds a permanent, veto-wielding seat—is conferred under the United Nations Charter with "primary responsibility for the maintenance of international peace and security";

Whereas the authority of the ICC inappropriately intrudes upon the United Nations Security Council's primary responsibility under the United Nations Charter for the maintenance of international peace and security;

Whereas, in September 2009, the ICC Office of the Prosecutor announced that ICC personnel were investigating accusations of war crimes and crimes against humanity allegedly committed by United States and NATO forces fighting in Afghanistan;

Whereas the parties to the Rome Statute have failed to establish a definition of the "crime of aggression";

Whereas the United States Government has at various times been accused of "aggression", including the congressionally authorized use of military force against Iraq in 2003;

Whereas the Rome Statute would subject United States citizens and military personnel charged with crimes before the ICC to trial and punishment without the basic rights and protections provided to criminal defendants and guaranteed by the United States Constitution, including a right to a jury trial by one's peers, protection from double jeopardy, the right to confront one's accusers, and the right to a speedy trial;

Whereas the first Review Conference on the Rome Statute will be held in Kampala, Uganda from May 31 to June 11, 2010, to consider amendments to the Rome Statute and to take stock of its implementation and impact; and

Whereas the draft provisional agenda of the Review Conference indicates that the Assembly of States Parties of the ICC has no intention of addressing the grave and persistent concerns of the United States regarding the Rome Statute: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—*

(1) the national interests of the United States are neither preserved nor advanced by becoming a State Party to the Rome Statute on the International Criminal Court;

(2) the Rome Statute undermines the sovereignty of the United States, hinders its ability to defend itself and its allies with military force, and conflicts with the principles of the United States Constitution;

(3) President Barack Obama should declare that the United States does not intend to ratify the Rome Statute and that the United States does not presently consider itself to be a signatory of the treaty; and

(4) given that the Assembly of States Parties has no discernable intention of addressing United States concerns regarding the treaty, President Obama should neither attend nor send a delegation to the Review Conference of the Rome Statute in Kampala, Uganda commencing May 31, 2010.

#### AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and

Forestry be authorized to meet during the session of the Senate on April 21, 2010, at 9:30 a.m. in room G50 of the Dirksen Senate Office Building.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 21, 2010, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 21, 2010, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 21, 2010, at 10 a.m. to conduct a hearing entitled "The Lessons and Implications of the Christmas Day Attack: Securing the Visa Process."

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on April 21, 2010, at 2:30 p.m. to conduct a hearing entitled "The FY2011 budget Request for the Small Business Administration."

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on April 21, 2010. The Committee will meet in room 418 of the Russell Senate Office building beginning at 9:30 a.m.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. BURRIS. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on April 21, 2010, at 10 a.m.

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