

been done. So I hope my colleagues here in the Senate on both sides of the aisle will come together and recognize that and repeal once and for all this very bad piece of legislation.

It was good news when the administration recognized they couldn't implement it, it was not workable. It would be better news for the American taxpayers and for future generations of Americans if the Congress would repeal this legislation and do it soon.

I yield the floor.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Tennessee, I be recognized in morning business. What I am going to do is try to clear up some of the misunderstanding about the troops who have gone into Uganda and other areas on the LRA, Lord's Resistance Army.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Tennessee.

EDUCATION

Mr. ALEXANDER. Mr. President, last month several Republican Senators came to the floor and offered legislation to fix No Child Left Behind, the legislation that was passed nearly 10 years ago to try to address our Nation's 100,000 public schools. In that legislation, we sought to fix problems with the legislation, not just to create another big reauthorization bill. The ideas we had were not all our ideas. They included many ideas from President Obama and his excellent Education Secretary, Secretary Duncan, as well as Democratic and Republican Members of Congress. They included having more realistic goals for No Child Left Behind. The original goal set in 2001 would, according to Secretary Duncan, create an unworkable situation where 80,000 of the 100,000 schools might be identified as failing in the next few years.

A second goal of our legislation was to move decisions about deciding whether schools and teachers were succeeding or failing out of Washington, DC, and back to State and local governments. A lot has happened in the last 10 years in the States—really the last 20 or 25 but especially in the last 10 years. We have better reporting requirements from No Child Left Behind. We have new State common standards, higher academic standards. We have new State tests that have been created—not here but by the States to do that. And now States are working together to create accountability systems. So there is a much better chance that States and local school districts can create an environment where students learn what they need to know and be able to do.

Our legislation encourages States to create what I think is the holy grail of public education; that is, principal-teacher evaluation related to student achievement. I know from experience

that is hard to do. In 1983 and 1984, when I was Governor of Tennessee, we became the first State to pay teachers more for teaching well. It took us a year and a half and a huge battle with the National Education Association in order to put it in place, but 10,000 teachers became master teachers. It was a good first step. Tennessee is already doing it again.

Here is my local newspaper: Evaluation of teachers contentious. There is nothing more contentious, and the last thing we need is Washington sticking its nose into that, other than to create an environment where State and local governments can use Federal money to pay for their own State and local programs. We propose consolidating programs, making it easier for school districts to transfer Federal money and expand choices and expand charter schools.

Now, today, the chairman and ranking member of the Senate education committee—the HELP Committee, as we call it—have introduced another draft piece of legislation to fix No Child Left Behind. I intend to vote to move this bill out of committee, although it is not yet the kind of legislation that I would be willing to vote to send to the President, but it is a good place to start.

There is a good deal of agreement in terms of what we want to do in our legislation from a few weeks ago and the Harkin-Enzi bill. Among the agreements is moving decisions about whether schools are succeeding or failing out of Washington. Another is to encourage principal-teacher evaluation without mandating, defining, and regulating it from Washington, DC. Another good provision is to encourage but not define and mandate and regulate using measures of growth of students—not just whether they achieved something but whether they are making rapid progress toward a goal. The idea is to make that in terms of whether schools and students are succeeding.

There are many provisions in the Harkin-Enzi bill that have been suggested by both Democrats and Republicans, but there are a number of provisions—not in our legislation—that I don't support, and I am going to seek to amend them. I have indicated to Senators that I intend to offer seven amendments which, in my view, would take out of the legislation provisions that tend to create a national school board. One is the so-called achievement gap. One is the so-called highly qualified teachers provision. These are all provisions that substitute the judgment of people in Washington for that of mayors, local school boards, governors, and legislators. So I don't think we need a national school board, and neither do most Americans.

Some will say: Well, then, why would you support a bill that you don't entirely agree with? The reason is we have a process in Congress. This isn't like the health care bill a few years ago when we had 40 Republican Senators

and Speaker PELOSI was in charge of the House of Representatives. We now have 47 Republican Senators, we have a Republican House of Representatives, and we need to get started fixing this problem. We need to do something a little different around here. Instead of just beating our chests, we need to find a way to put our heads together, head toward a reasonable result, come up with a solution, and offer it to the President and to the American people.

There is no reason in the world why we can't, with the amount of agreement we already have, send to the President by Christmas legislation fixing No Child Left Behind. We should do it because if we don't, Congress's inaction will mean we will transform the U.S. Education Secretary into a waiver-granting czar for 80,000 schools in this country which, according to this law, will be identified as failing.

Well, if we were to have an education czar, or if we were to have a chairman of a national education school board, Secretary Arne Duncan would be a good one. But I don't think we want one in the United States of America. So I think we should act before Christmas in order to avoid creating a waiver education czar, and we should act before Christmas in a way that does not create a national school board.

There is one other suggestion I would make to the authors of this bill. In our earlier meetings with the President, Congressman GEORGE MILLER of California, who was a key leader in developing No Child Left Behind, said this bill to fix No Child Left Behind ought to be a lean bill. I agree with Congressman MILLER. The legislation Republicans introduced a few weeks ago totaled 221 pages in its five bills. The comparable section of the Harkin-Enzi draft is 517 pages. I urge us to follow Congressman MILLER's advice in the final result and be much more succinct than that.

So despite these concerns, I will vote on Wednesday or Thursday, whenever we finish, in favor of bringing this base bill out of the HELP Committee and on to the Senate floor where we can have full amendments. I am going to do my best to improve it in committee and on the Senate floor to make it more like the legislation we introduced a month ago. I am going to continue to do that in the conference we have with the House of Representatives. I think it is time we recognize the American people expect us to step up to major issues, to put our best ideas together, and come up with a result. We are part way there. There is a good place to start.

I thank Senator HARKIN and Senator ENZI for the work they have done, as well as Representative KLINE and Representative MILLER, and I thank the President and Secretary Duncan for their attitude. I look forward to working with them to come to a conclusion.

One last thing: We talk a lot about jobs around here. Every American knows better schools mean better jobs, and they all know schools are a lot like

jobs. We can't create them from Washington, but we can create an environment in which people in their own communities, and families and States can create better schools and better jobs. This is a good place to start.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter of support which also outlines my objections to the legislation that was introduced today, and a copy of an article from the Maryville Alcoa Daily Times today which reminds us of how difficult it is to evaluate teachers fairly and how wise we would be if we satisfied ourselves with creating an environment in which that could happen but did not mandate it, define it, and regulate it from Washington, DC.

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

OCTOBER 16, 2011.

Hon. TOM HARKIN,
*Chairman, Committee on Health, Education,
Labor & Pensions, U.S. Senate, Wash-
ington, DC.*

Hon. MIKE ENZI,
*Ranking Member, Committee on Health, Edu-
cation, Labor & Pensions, U.S. Senate,
Washington, DC.*

DEAR TOM AND MIKE: Thank you for the opportunity to participate in discussions about fixing the problems with No Child Left Behind.

I support your base bill (the Elementary and Secondary Education Reauthorization Act of 2011) as a first step in the right direction that will enable our Health, Education, Labor and Pensions (HELP) Committee to start working now to fix the problems with No Child Left Behind. I will vote to move it out of committee, although it is not yet legislation that I could vote in favor of sending to the President.

I have attached a summary of 7 amendments I will offer. Most of these are intended to stop the legislation from creating a national school board that would substitute its judgment for that of governors, state legislatures, mayors, local school board members, parents, principals and teachers. Hopefully, substitute language including these amendments will be the final product of our legislative work.

Despite these misgivings, I believe the HELP Committee should start now with this base bill and try to move an improved bill to the Senate floor where there needs to be a full and complete amendment process to further improve it and send it to a conference with the House of Representatives.

There is no reason why Congress should not be able to send legislation fixing No Child Left Behind to the President by Christmas. If Congress does not act now, our inaction will transform the U.S. Secretary of Education into a waiver-granting czar over an unworkable law that has identified what he says may be as many as 80,000 "failing" public schools, a development even worse than provisions in this draft that would make him a chairman of a national school board. If we were to have such a czar or chairman, Arne Duncan would be a good one, but I do not believe that we should have one in our country.

The strengths of the base bill are that it moves most decisions about whether schools are succeeding or failing out of Washington and back to states and communities. It keeps the valuable reporting requirements of No Child Left Behind. It should help to produce an environment in which states and school districts are more likely to create

principal teacher evaluation systems related to student achievement. It will encourage schools to recognize growth in student academic achievement as well as grade-level performance. The base bill further includes many good provisions suggested by Secretary Duncan and congressional Republicans, as well as Democrats.

The base bill's main weakness is that it contains provisions that would transform the U.S. Secretary of Education into chairman of a national school board. Chief among these problems are federal mandates, definitions and regulations for identifying "achievement gap" schools and the "continuous improvement" of all 100,000 public schools. Although the draft eliminates the concept of "Adequate Yearly Progress" for 95% of schools, these provisions attempt to reinstate it through the back door. In addition, the bill retains in Washington, DC decisions about whether our 3.2 million teachers are "highly qualified" or not. It does not sufficiently consolidate programs and actually creates several new ones that have no real chance of ever being funded. And it does little to make it easier for local school districts to transfer and use federal funds more efficiently or to simplify the burdensome Peer Review process for state plans that must be submitted to the U.S. Department of Education.

There is one other important flaw: the bill is wordy. It is at least 860 pages. When several of us met with President Obama to discuss fixing No Child Left Behind, we agreed to take Congressman George Miller's advice to produce "a lean bill." The five bills offered last month by Senators Isakson, Burr, Kirk and I, along with several other Republican Senators, totaled 221 pages. The comparable sections of your draft total 517 pages. We can be more succinct than that.

Despite these concerns, I will vote in favor of this base bill being reported out of the HELP Committee and look forward to working with you and our colleagues in the Senate and House to improve the bill so that the President can sign it into law this year.

Sincerely,

LAMAR ALEXANDER.

[From the Daily Times (Maryville, TN), Oct. 17, 2011]

GROWING PAINS: BLOUNT SCHOOLS STRUGGLE
WITH TEACHER EVALUATION
(By Matthew Stewart)

Blount County Schools have experienced some difficulties in implementing the state's teacher evaluation model, and educators want state lawmakers to give them a voice in the process.

"We don't mind accountability, but it has to be fair," said Grady Caskey, who serves as the Blount County Education Association's president. "The system has to be based on achievable expectations and goals."

Blount County Schools is using the Tennessee Educator Acceleration Model (TEAM), which was developed by the state Department of Education. Alcoa City Schools and Maryville City Schools are using the Teacher Instructional Growth for Effectiveness and Results (TIGER) model, which was developed by the Association of Independent and Municipal Schools.

Both Alcoa and Maryville field-tested evaluation models. However, Blount County didn't field-test a model.

Many county educators have become frustrated with TEAM's implementation, Caskey said. "People are throwing up their hands and saying, 'I'm done.'" Teachers are asking more and more about early retirement requirements. We have two seasoned teachers who are retiring mid-year. Several more are considering it. We're losing our best, most experienced teachers."

BCEA has learned about many implementation problems, he said.

Blount County's principals haven't set uniform requirements, Caskey said. "Some are requiring lesson plans for the entire school year. Others are only requiring observation plans, which is what the law actually requires. I recently received an email from a teacher who puts his kids to bed at 8 p.m. then writes lesson plans until midnight or 1 a.m."

Educators also don't have a template for their lesson plans, he said. "They've got several different versions floating around. It's causing a lot of busy work. I thought the governor said this was going to be less paperwork. We're drowning in it."

Educators need to start talking with lawmakers about the evaluation process, Caskey said. "TEAM is counterproductive. I know we can identify better ways to improve teachers. Legislators are going to have to change it. Politics got us into this mess, and politics will get us out. Education isn't a business. We're not an assembly line. We're not turning out widgets but humans."

STUDENTS IN LIMBO

Many educators are also worried about the evaluation model.

"TEAM has some good points," said Rebecca Dickenson, who is Eagleton Elementary School's librarian. "However, it was implemented in a huge hurry without enough explanation for teachers and principals."

"It's left teachers in limbo with their kids," said Mark Williamson, who teaches social studies at William Blount High School. "Principals are trying their best, but things are constantly changing."

Williamson, a former BCEA president who currently serves on the executive board, thinks the evaluation model has affected his students academically. "I spent 15 hours working on a lesson plan for my first evaluation. At the end of the day, it took 15 hours away from my kids. I couldn't plan ahead, find updated information or seek out current events such as the Arab Spring, I was trying to do what I needed to do according to the lesson plan."

Teacher morale has been impacted as well, he said.

"I haven't seen my principal as much," said Dickenson, who also serves as BCEA's vice president. "I'm used to her walking through the library and getting the opportunity to see what I'm doing in class. However, she's been inundated with evaluations this year."

Lawmakers need to lessen the workload for observers, she said.

RESOLVING PROBLEMS

School officials are working to address teacher concerns, said Director of Schools Rob Britt. "It hasn't been implemented consistently across the state. So, you're going to see these things in every system. We're personally experiencing a lot of growing pains."

Britt and Dr. Jane Morton, supervisor of instruction for grades 6-12, organized two forums with teachers before fall break. They gathered input and created a list of nearly 35 concerns.

School officials are seeking answers from the state Department of Education, Britt said. "I know teachers are concerned about TEAM, and I am as well. We're making efforts to try to get answers for teachers and get more direction for principals. We're very sensitive to teacher concerns. It's high stakes, and we're performing our due diligence for them."

School officials are also working to create supports for teachers, he said. "We want to keep our teachers. We want to support them and help them grow. We're committed as administrators to making it as palatable as possible."

The school district's observers will require more training, Britt said. "Most are implementing the way that they were trained. The state didn't provide exhaustive training. It was more surface-level, which was a good beginning. However, it wasn't thorough. We need more follow-up in a timely manner."

FUTURE PLANS

The state Department of Education is currently evaluating TEAM.

State officials are committed to gathering feedback that will help determine where the evaluation model needs revision, and stakeholders are providing input through several channels.

The Tennessee Consortium on Research, Evaluation and Development (TN CRED) is launching a statewide survey in spring 2012 and conducting focus groups throughout the year. State officials are also traveling across the state to meet with stakeholders.

The state Department of Education's Advisory Group will bring revision recommendations to Education Commissioner Kevin Huffman. Based on the proposed revisions, the recommendations might need to be brought before the State Board of Education.

I thank the President, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I asked for unanimous consent to be recognized following the remarks by the Senator from Tennessee. It has been called to my attention that the Senator from Virginia would like to have the floor at this time, so I renew my unanimous consent request that I be recognized at the conclusion of the remarks of the Senator from Virginia.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Virginia.

NATIONAL CRIMINAL JUSTICE COMMISSION ACT

Mr. WEBB. Mr. President, I wish to thank my colleague from Oklahoma for giving me the courtesy of speaking, and I thank him again for the work he has done on the Foreign Relations Committee, Subcommittee on East Asian Affairs, where he is the ranking Republican, and the other work he has done on the Armed Services Committee.

Today I rise to speak about the National Criminal Justice Commission legislation which I introduced more than 2 years ago and which the leader and the managers of this bill are now going to offer as an amendment to the pending legislation. First of all, I thank the leader and the managers of the bill for calling up this legislation. I also thank my principal Republican cosponsor, Senator LINDSEY GRAHAM, for all the work he has done.

There are good national commissions and bad national commissions and redundant national commissions and sometimes there are national commissions which are not only needed but vital to the resolution of issues we face.

I am thinking, as I speak, of the first Commission on Wartime Contracting

which Senator CLAIRE McCASKILL and I introduced 4 years ago and which resulted in a finding of approximately \$30 billion in fraud, waste, and abuse in contracts that had gone to Iraq and Afghanistan and which provided a model for the way we should be approaching such contracts in the future. I would put this particular national commission in that category. It was put together after much thought and many hearings. It is paid for, it is sunsetted at 18 months, and it is dedicated to helping us resolve an issue of very serious national purpose.

I began on this issue before I came to the Senate—the issue of the imbalance in our criminal justice system and the need to bring a comprehensive resolution in terms of how we handle crime and reentry in this country. We have had more than 2½ years of hearings since I came to the Senate. After I introduced this legislation, we met—at staff levels, since I am not on the Judiciary Committee—with representatives from more than 100 different organizations across the country and across the philosophical spectrum.

This chart is an indication of the type of support we have received for this commission. I will not read the names, and I don't expect anyone viewing the TV screen to be able to read all the names, but this is an unusual circumstance. We have organizations as philosophically diverse as the ACLU, the NAACP, the Sentencing Project, the National Organization for Victim Assistance, the ABA Criminal Justice Section, the National Center for Victims of Crime, along with the Fraternal Order of Police, the National Sheriffs Association, and the International Association of Chiefs of Police, which all agree we need to step forward and examine our criminal justice system in a comprehensive way, from point of apprehension to point of return, so that we make better use of our assets and make better use of our own people, quite frankly.

Today we incarcerate more people than any other country in the Western world or in any known country in the world. We have 2.3 million people in our prisons and jails and another 5 million people on probation or in some way under postcorrectional management. Hundreds of thousands of people are being released from jails and prisons every year and reentering society, and at this point we are without a comprehensive structure that will allow those who wish to become productive citizens again the opportunity to have the right kind of transition.

At the same time, we have 7 million people under some form of correctional supervision or in prisons and we don't feel any safer. This is the other beam our analysis has ridden as we looked at this. Even today, if we ask Americans, two-thirds of the people in this country believe crime is more prevalent today than it was a year ago.

So we were tasked—we tasked ourselves—with looking at this problem to

try to figure out how we can do a better job of addressing the issue of criminal justice, spending less money. We are now in a situation where State and local budgets have been stretched to the breaking point. Professor Western of Harvard estimates that annual correctional spending right now is about \$70 billion, with State spending on corrections increasing 40 percent over the past 20 years.

We are witnessing a war on our border with respect to gang warfare. Since President Calderon launched an offensive against drug gangs and cartels in 2006, tens of thousands of people have died in drug trafficking violence along the border. It is estimated that these cartels are now operating in more than 230 cities and towns in the United States. These entities need to be examined in the context of transnational gang activity as they relate to our criminal justice system.

We are also largely housing our Nation's mentally ill in our prison system. The number of mentally ill in prison right now is nearly five times the number of mentally ill in inpatient mental hospitals. Noted experts have cited jails and prisons as the No. 1 holding facility for the mentally ill.

So the conclusion we reached, after listening to dozens of representatives from different organizations across the philosophical spectrum, was that we need to have a long-overdue, top-to-bottom, beginning-to-end examination of how the criminal justice system works in the United States from point of apprehension to the decision of whether to arrest. And, if arrested, what sort of port does a person go into? How long should that person be in prison? What should prison administration look like, and how could that be better adapted? What models do we have out there that can be applied? What should reentry programs look like, and how do we deal with the ever-increasing problems of transnational gangs? We need to examine all of those pieces together.

The last review of this nature that was undertaken was done in 1965 by President Lyndon Johnson. So I introduced the National Criminal Justice Act, the goal of which is to create a blue ribbon national commission, time sunsetted—18 months—to get the finest minds in the country together to examine these different pieces and to come back to the Congress with specific recommendations for reforming our national criminal justice system.

Just last week, in a meeting of the Senate law Enforcement Caucus, Philadelphia Police Chief Charles Ramsey noted the tremendous influence of this last commission's report, which was reported in 1967—44 years ago—and voiced strong support for the creation of a new commission. We are long overdue to look at what works and what doesn't in our criminal justice system.

This bill has, quite frankly, struck a nerve across the country. I have heard from citizens across all 50 States in support of this initiative. I mentioned