amendment No. 253 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. SESSIONS, Mrs. MCCASKILL, Mr. THUNE, Mrs. BOXER, and Mr. GRAHAM):

S. 755. A bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due; to the Committee on Finance.

Mr. WYDEN. Mr. President, today, along with my colleagues Senators SESSIONS, MCCASKILL, THUNE, BOXER, and GRAHAM, I am introducing the Crime Victim Restitution and Court Fee Intercept Act. This bipartisan bill would help crime victims and state courts recover the restitution and fees that are owed to them. This bill would accomplish this worthy goal by intercepting tax refunds of deadbeat debtors who've failed to pay restitution or court fees. If enacted, this bill would essentially allow state courts to cross-reference outstanding debts with the IRS and use existing procedures to withhold tax refunds in order to satisfy past due debts.

This bill would not only deliver justice to crime victims who are owed restitution, but would also provide much-needed resources to help keep court rooms open and court programs operating. At a time when our State and local governments are struggling to find funding for vital programs—including keeping courthouse doors open—unpaid court fees represent an important source of revenue that should be captured. This bill would help close budget gaps and provide additional revenue without raising taxes or imposing any new costs or burdens. In fact, participation in the program would be optional for States, but I expect most States to participate and to benefit greatly from this bill.

This bill would operate the same way as the very successful child support debt collection system. The bill will allow states to share information on outstanding restitution owed and court debts with the IRS, which would then be required to intercept any Federal tax refunds of debtors and send that money to the victim or court owed that debt.

It has been estimated by the National Center for State Courts that outstanding court debts across the country total approximately $15 billion. In my home state of Oregon alone, the outstanding restitution and court fee debt amount is $987 million. Only a portion of outstanding debts are owed by individuals who will receive Federal tax refunds, so a portion of court debts would not be collected immediately. Nonetheless, the state of Oregon estimates that passage of this bill would allow the State to collect $30 million per year.

Without this straight-forward and efficient mechanism, the collection of victim restitution and court debts is a costly and time-consuming process. Enactment of this bill would reduce the fiscal cost and administrative burden that victims and courts bear in attempting to collect those debts. Again, in the midst of a challenging fiscal crisis, it only makes common sense to collect revenues that are already owed—through an efficient and convenient method.

Because this bill would benefit both the court system, and those who rely upon it, the Crime Victim Restitution and Court Fee Intercept Act is endorsed by a broad array of court, government, law enforcement, and crime victims' organizations. I would like to especially recognize the National Center for State Courts and the American Bar Association for their support in getting this bill introduced.

The bill is also supported by the Conference of Chief Justices, the Conference of State Court Administrators, the National Association for Court Managers, the National Conference of State Legislatures, the National Association of Counties, the Government Finance Officers Association, the National District Attorneys Association, the American Probation and Parole Association, the National Crime Law Institute, the National Center for Victims of Crime, the National Organization for Victim Assistance, the National Association of Crime Victim Compensation Boards, the National Association of VOCA Assistance Administrators, the National Network to End Domestic Violence, the National Alliance to End Sexual Violence, the National Organization of Parents of Murdered Children Inc., and Mothers Against Drunk Driving.

I urge all colleagues to support this bipartisan legislation and I yield the floor.

By Mr. GRASSLEY (for himself and Mr. WYDEN):

S. 756. A bill to amend title XI of the Social Security Act to provide for the public availability of Medicare claims data; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, in March, I introduced S. 454, the Strengthening Program Integrity and Accountability in Health Care Act, to enhance the government's ability to combat Medicare and Medicaid fraud.

One of the provisions in that bill would require the Secretary of Health and Human Services to issue regulations to make Medicare claims and payment data available to the public similar to other federal spending disclosed on www.USAspending.gov.

That website was created by legislation sponsored by then-Senator Obama and Senator COBURN. It lists almost all federal spending, but it doesn't include Medicare payments made to physicians.

That means virtually every other government program, including some defense spending, is more transparent than spending by the Medicare program.

Medicare is funded by taxpayers, and in 2009, the federal government spent $502 billion on Medicare.

Taxpayers should have a right to see how their hard-earned dollars are being spent.

Also, if doctors know their billing information is public, it might deter some wasteful practices and overbilling.

On the day that I introduced S. 454, I learned that Senator WYDEN was also working on legislation to make Medicare payments to physicians available to the public. We decided to work together.

Today, Senator WYDEN and I are introducing the Medicare Data Access for Transparency and Accountability Act, Medicare DATA Act.

This bill would require the Secretary of Health and Human Services to issue regulations to make available a searchable Medicare payment database that the public can access at no cost.

Our bill also clarifies that data on Medicare payments to physicians and suppliers do not fall under a Freedom of Information Act, FOIA, exemption.

Under a 1979 court decision, Medicare is prohibited from releasing physicians' billing information to the public.

But before that injunction, the Department of Health, Education, and Welfare—now the Department of Health and Human Services—was in the process of releasing reimbursement data for all Medicare providers.

Third parties that have tried to obtain physician specific data through the FOIA process have failed in the past because the courts held that physicians' privacy interests outweigh the public's interest in disclosure.

The nonprofit, consumer organization—Consumers' Checkbook—for example, had filed a lawsuit against the Department of Health and Human Services to compel disclosure of that data.

The organization made its FOIA request to determine whether or not Medicare paid physicians who had the qualifications to perform the services for which they sought federal reimbursement, especially those performing a high volume of difficult procedures.

In particular, the organization was looking for physicians with insufficient board certifications or histories of disciplinary actions.

My question is: why wouldn't we want individuals examining this data to ensure that the government is protecting taxpayer dollars by preventing improper billing to the Medicare program?

And why wouldn't we want public interest watchdog groups helping to look out for potential abuse or fraud?

In January, the Wall Street Journal reported the American Medical Association's, AMA, concerns about making

Medicare claims data publicly available.

The AMA President said that physicians ''should not suffer the consequences of having false or misleading conclusions drawn from complex Medicare data that has significant limitations.''

But I would like to note the value of access to Medicare billing data.

Even with limited access, the Wall Street Journal was able to identify suspicious billing patterns and potential abuses of the Medicare system.

The Wall Street Journal found cases where Medicare paid millions to a physician, sometimes for several years, before those questionable payments stopped.

Volume alone doesn't automatically mean there's fraud, waste, or abuse.

More patients may be going to a specific physician for a particular service because that physician is a leader in his or her field.

Nonetheless, to alleviate the concerns raised by the American Medical Association, our bill would require a disclaimer that the data in the public database ''does not reflect on the quality of the items of services furnished or of the provider of services or supplier who furnished the items or services.''

I believe transparency in the health care system leads to more accountability and thus less waste and more efficient use of scarce resources.

I have often quoted Justice Brandeis, who said, ''Sunlight is the best disinfectant.''

That is what Senator WYDEN and I are aiming to accomplish with the Medicare DATA Act.

When it comes to public programs like Medicare, the Federal Government needs all the help it can get to identify and combat fraud, waste and abuse.

Our bill will add to the reforms Congress passed last year.

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. 756

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 ''Medicare Data Access for Transparency and Accountability Act''.

SEC. 2. PUBLIC AVAILABILITY OF MEDICARE CLAIMS DATA.

(a) IN GENERAL.—Section 1128J of the Social Security Act (42 U.S.C. 1320a–7k) is amended by adding at the end the following new subsection:

''(f) PUBLIC AVAILABILITY OF MEDICARE CLAIMS DATA.—

''(1) IN GENERAL.—The Secretary shall, to the extent consistent with applicable information, privacy, security, and disclosure laws, including the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 and section 552a of title 5, United States Code, make available to the public claims and payment data of the Department of Health and Human Services related to title XVIII, including data on payments made to any provider of services or supplier under such title.

''(2) IMPLEMENTATION.—

''(A) IN GENERAL.—Not later than December 31, 2012, the Secretary shall promulgate regulations to carry out this subsection.

''(B) REQUIREMENTS.—The regulations promulgated under subparagraph (A) shall ensure that—

''(i) the data described in paragraph (1) is made available to the public through a searchable database that the public can access at no cost;

''(ii) such database—

''(I) includes the amount paid to each provider of services or supplier under title XVIII, the items or services for which such payment was made, and the location of the provider of services or supplier;

''(II) is organized based on the specialty or the type of provider of services or supplier involved;

''(III) is searchable based on the type of items or services furnished; and

''(IV) includes a disclaimer that the aggregate data in the database does not reflect on the quality of the items or services furnished or of the provider of services or supplier who furnished the items or services; and

''(iii) each provider of services or supplier in the database is identified by a unique identifier that is available to the public (such as the National Provider Identifier of the provider of services or supplier).

''(C) SCOPE OF DATA.—The database shall include data for fiscal year 2012, and each year fiscal year thereafter.''.

(b) INFORMATION NOT EXEMPT UNDER THE FREEDOM OF INFORMATION ACT.—The term ''personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy'', as used in section 552(b)(6) of title 5, United States Code, does not include the information required to be made available to the public under section 1128J(f) of the Social Security Act, as added by subsection (a).

Mr. WYDEN. Mr. President, I rise today with Senator GRASSLEY to introduce the Medicare Data Access for Transparency and Accountability Act. I would like to begin by thanking my friend and esteemed colleague for his unwavering commitment to greater transparency and accountability in government. This Medicare DATA Act advances that goal.

Sunshine continues to be the greatest disinfectant. In that light, the Medicare DATA Act ensures all taxpayers have access to the Medicare Claims Database, both to aid them in making medical decisions, and in understanding what their money is paying for in this vital, yet enormous, health program. Making this information public will also help prevent wasteful spending and outright fraud in Medicare claims. The Medicare Claims Database is an important resource for public and private stakeholders as it captures healthcare provider payment and claims information for roughly 1/3 of the United States healthcare system. But why isn't this information already available?

In 1978, the Department of Health Education and Welfare attempted to release this information, upon request, under the premise that accessibility to the source data was in the public interest and therefore should be made available for public consumption. An injunction by a Florida court, however, successfully blocked that public disclosure of this information. As a result, this data has been—with limited exceptions made for government employees, contractors, and researchers willing to pay for partial access—off limits for the last three decades. Passage of the Medicare DATA Act puts an end to that practice.

I consider hiding information affecting the American taxpayer that clearly should be in the public domain, to be indefensible in a free society. With this principle in mind, I join with Senator GRASSLEY in changing ''business as usual.''

I urge my colleagues to support this legislation so that Medicare data is finally fully transparent and available to Medicare beneficiaries and taxpayers alike. I look forward to working with my colleagues in this effort.

By Mrs. BOXER:

S. 759. A bill to provide to the Secretary of the Interior a mechanism to cancel contracts for the sale of materials CA–20139 and CA–22901, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I am pleased to introduce the Soledad Canyon High Desert, California Public Lands Conservation and Management Act of 2011. This bill would resolve a 21-year-old mining dispute between the City of Santa Clarita and CEMEX USA, and have numerous other benefits for communities in Los Angeles and San Bernardino Counties, CA.

In 1990, the Bureau of Land Management awarded CEMEX two 10-year consecutive contracts to extract 56 million tons of sand and gravel from a site in Soledad Canyon. The City of Santa Clarita strongly opposed CEMEX's expansion of mining in this area. After two decades of conflict and nearly a decade of litigation, the two parties announced a truce in early 2007, and started working out an agreement.

This legislation would implement the terms of that agreement. It would require the Secretary of the Interior to cancel CEMEX's mining contracts in Soledad Canyon and prohibit future mining at this site. The BLM would sell lands near Victorville, CA that are currently on its disposal list, and would use the proceeds to compensate CEMEX for the cancellation of its mining contracts. Local land use authorities, such as the City of Victorville and County of San Bernardino, would have the right of first refusal to purchase many of these parcels, which would help satisfy their future development needs. Some of these funds would also go towards the purchase of environmentally-sensitive lands in Southern California.

My legislation would settle a 20-year-old dispute to all parties' satisfaction, complement future development plans in Southern California, and help secure important lands for conservation.

That's why it has won the support of a diverse group of interests, including the City of Santa Clarita, CEMEX, the Santa Monica Mountains Conservancy, and the Sierra Club.

I look forward to working with my colleagues to secure the passage of this important legislation.

By Ms. COLLINS (for herself, Mr. AKAKA, and Mrs. MCCASKILL):

S. 761. A bill to improve the acquisition workforce through the establishment of an acquisition management fellows program and a leadership development training program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President. I rise today to introduce two bills that would lay a strong foundation to improve the Federal acquisition system.

The first bill, the Acquisition Workforce Improvement Act of 2011, S. 761, co-sponsored by Senators AKAKA and MCCASKILL, would create a Federal acquisition management fellows program to develop a new generation of acquisition leaders with government-wide perspective, skills, and experience.

The second bill, the Federal Acquisition Institute Improvement Act of 2011, S. 762, co-sponsored by Senators AKAKA, MCCASKILL and BROWN of Massachusetts, would provide much-needed organizational clarity to enable the Federal Acquisition Institute (FAI) to fulfill its mission of facilitating career development and better management of the federal acquisition workforce.

The Federal acquisition system is under tremendous stress. Between fiscal years 2000 and 2010, acquisition spending by the federal government expanded by 163 percent, from $205 billion to $535 billion. The necessary costs of military operations, natural disasters, homeland security precautions, and other vital programs will continue to strain the acquisition system in the years ahead.

This unprecedented level of purchasing creates abundant opportunities for fraud, waste, and abuse. We have seen far too many outrageous failures in government contracting. The Secure Border Initiative Network, the Census Bureau's handheld computers for the 2010 Census, and the Marine Presidential Helicopter programs are among recent, notorious and costly acquisition failures, which we can ill afford.

These and other failures demand strong steps to protect taxpayer dollars and deliver better acquisition outcomes.

As a long-time advocate for stronger competition, accountability, and transparency in government contracting, I recognize the actions the Administration has taken recently to improve federal contracting. Many of these initiatives originated from legislation I coauthored with Senator LIEBERMAN during the 110th Congress.

But, no matter how many laws we pass or guidance documents OMB issues, the effectiveness of our Federal acquisition system ultimately depends on a vital human component—the acquisition workforce.

While contract spending has risen dramatically, the number of acquisition professionals who help plan, award, and oversee these contracts has been stagnant. And with roughly half of the current acquisition workforce eligible to retire by 2018, the difficulties of strengthening that workforce are becoming increasingly acute. A well-trained and adequately sized acquisition workforce is critical to managing and overseeing federal spending and the increasingly complex procurements of services and goods.

The two pieces of legislation I am introducing today are designed to address these important long-term goals.

The Acquisition Workforce Improvement Act would create a centrally managed, Government-wide Acquisition Management Fellows Program that combines both a Master's degree-level academic curriculum and on-the-job training in multiple federal agencies. By partnering with leading universities that have specialized government acquisition programs, the government can attract top-caliber students and retain our best government employees who are interested in pursuing both academic advancement and public service.

Compared to the several existing, agency-specific intern programs, this government-wide program would provide a much-needed skill set that we currently do not have in sufficient number; that is, acquisition professionals with multi-agency and multi-disciplinary training who can understand and manage government-wide acquisition needs and perspectives.

Considering that interagency acquisition now accounts for approximately 40 percent of the Federal Government's entire contract spending, and that GAO has designated the management of interagency contracting a high-risk area since 2005, it is evident that we need to develop future acquisition leaders who understand government-wide needs and perspectives and are able to operate effectively outside of the traditional, single-agency environment.

Specifically, the Acquisition Management Fellows Program would include one academic year of full-time, on-campus training followed by 2 years of on-the-job and part-time training toward a Masters or equivalent graduate degree in related fields; and a curriculum that would include rotational assignments at three or more executive agencies covering, among other issues, acquisition planning, cost-estimating, formation and post-award administration of ''high risk'' contract types, and interagency contracts.

Upon graduation, participants will have completed all required, non-agency-specific training courses necessary for a basic contracting officer warrant.

In addition, participants would be required to enter into a service commitment to ensure the Federal Government receives a proper return on its investment. The service commitment would be no less than 1 year for each year a participant is in the program, and would require reimbursement of funds for those who do not successfully complete the program or do not fulfill the minimum service requirements.

Our second bill, the Federal Acquisition Institute Improvement Act, would strengthen the Federal Acquisition Institute, FAI, whose key responsibilities are to promote career development and strategic human capital management for the entire civilian acquisition workforce.

The FAI has remained largely underutilized due to a lack of organizational clarity, the disproportionate funding compared to its counterpart in the Department of Defense, and its intermittent use by a few Federal agencies.

The proposed legislation would establish a clear line of responsibility and accountability for the Institute by requiring that FAI, through its Board of Directors, report directly to the Office of Federal Procurement Policy, OFPP; the director of FAI be appointed by the OFPP Administrator, and report directly to the OFPP Associate Administrator for Acquisition Workforce; all existing civilian agency training programs follow guidelines issued by OFPP, which would ensure consistent training standards necessary to develop uniform core competencies; and the OFPP Administrator report annually to Congressional committees of jurisdiction projected FAI budget needs and expense plans to fulfill its statutory mandate.

With respect to its core government-wide functions, FAI would be required to provide and keep current government-wide training standards and certification requirements including ensuring effective agency implementation of government-wide training and certification standards; analyzing the curriculum to ascertain if all certification competencies are covered, or if adjustments are necessary; developing career-path information for certified professionals to encourage retention in government positions; and coordinating with the Office of Personnel Management for human capital efforts.

The administration has identified acquisition workforce development as a pillar for improving acquisition practices and contract performance. While I fully agree with this goal, we need specific and concrete action to solve this problem.

Our legislation would prompt the sustained effort necessary to rebuild the acquisition workforce. While this will take time and investment, I am confident this is a wise investment that will yield substantial returns. Just think about it: if our better-trained acquisition professionals can prevent one failed procurement, it can save the taxpayer hundreds of millions of dollars. If they can avoid overpaying one percent of our contract spending, it

will save the taxpayer more than five billion dollars each year. The numbers speak for themselves.

The Acquisition Workforce Improvement Act and the Federal Acquisition Institute Improvement Act are critically needed and both enjoy bipartisan support. I encourage my colleagues to support them.

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. 761

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 ''Acquisition Workforce Improvement Act of 2011''.

SEC. 2. GOVERNMENT-WIDE ACQUISITION MANAGEMENT FELLOWS PROGRAM.

(a) ESTABLISHMENT OF ACQUISITION MANAGEMENT FELLOWS WORKFORCE PROGRAM.—

(1) IN GENERAL.—Chapter 17 of title 41, United States Code, is amended by adding at the end the following new section:

''§ 1714. Government-wide acquisition management fellows program

''(a) ESTABLISHMENT OF PROGRAM.—Not later than 180 days after the date of the enactment of the Acquisition Workforce Improvement Act of 2011, the Administrator shall establish a government-wide acquisition management fellows program (in this section referred to as the 'program') for the purpose of investing in the long-term improvement and sustained excellence of the Federal acquisition workforce.

''(b) OBJECTIVES.—The objectives of the program shall be as follows:

''(1) To develop a new generation of acquisition leaders with government-wide perspective, skills, and experience.

''(2) To recruit individuals with the outstanding academic merit, ethical value, business acumen, and leadership skills to meet the acquisition needs of the Federal Government.

''(3) To offer, upon completion of the program, opportunities for advancement, competitive compensation, and leadership opportunities at various executive agencies.

''(c) STRUCTURE.—

''(1) CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.—The Office of Federal Procurement Policy shall enter into contracts, grants, or cooperative agreements with one or more qualified universities with demonstrated expertise in Federal Government acquisition.

''(2) TRAINING.—The program shall consist of one academic year of full-time, on-campus training followed by two years of on-the-job and part-time training toward a Masters or equivalent graduate degree in related fields.

''(3) CURRICULUM.—The curriculum of the program shall include the following elements:

''(A) Rotational assignments at three or more executive agencies covering all phases of the contract life cycle, from acquisition planning to contract formation and post-award administration of contract types identified in part 16 of the Federal Acquisition Regulation, and including interagency contracts, contract cost and pricing, and negotiation techniques.

''(B) All required non-agency-specific training courses necessary for basic contracting officer warrant as established by the Office of Federal Procurement Policy.

''(C) Emphasis on transparency, accountability, and integrity in the public contracting process.

''(D) Other necessary courses and education as required by participating universities.

''(4) PRIORITY FOR EMPLOYMENT.—To the extent permitted by law, the head of each executive agency shall give priority to graduates of the program for purposes of hiring employees in the acquisition field, based on performance during the program and other qualifications, and shall compensate such graduates at an initial GS-12 level of the General Schedule, or equivalent, with the potential for a GS-13 level of compensation, or equivalent, upon one year of satisfactory performance.

''(d) SIZE.—The total number of individuals entering the program each year may not exceed 200. There shall be at least 50 participants in the first year of the program, 100 participants in the second year, and 150 participants thereafter.

''(e) ELEMENTS.—In carrying out the program, the Administrator shall—

''(1) enter into one or more contracts, grants, or cooperative agreements with qualified universities having an expertise in Federal Government acquisition and the resources to administer the program independently;

''(2) be responsible for the management and oversight of the overall program and for placement of individuals upon graduation;

''(3) allow participating universities to select and to remove program participants in accordance with the established academic process for such graduate degree programs;

''(4) ensure that veterans (as that term is defined in section 101(2) of title 38) are given priority as candidates for participation in the program; and

''(5) periodically review the career development of the program participants upon placement and make necessary adjustments to the program to ensure the objectives are met.

''(f) SERVICE AGREEMENT.—

''(1) COMMITMENT FOR FEDERAL SERVICE.—A person selected for participation in the program shall commit to employment with the Federal Government in the field of acquisition, following completion of the program, under such terms and conditions as the Administrator considers appropriate to ensure the Federal Government receives proper return on investment. Such employment shall be for a term of not less than one year for each year in the program.

''(2) REIMBURSEMENT OF FUNDS.—In cases of candidates who do not successfully complete the program or do not fulfill the minimum service requirements, the candidates shall be required to reimburse the Federal Government for funds received under the program.

''(g) OFPP ACQUISITION FELLOWS DEVELOPMENT FUND.—

''(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund to be known as the 'OFPP Acquisition Fellows Development Fund' (in this section referred to as the 'Fund').

''(2) USE OF FUNDS.—Amounts in the Fund shall be used for—

''(A) the establishment and operations of the program;

''(B) the award of contracts, grants, or cooperative agreements to cover expenses including—

''(i) tuition, books, materials, and other academic expenses;

''(ii) room and board of students during the time students are enrolled in the program;

''(iii) expenses for travel as required by the program;

''(iv) stipends; and

''(v) other necessary expenses the Administrator considers necessary.

''(3) DEPOSITS TO FUND.—

''(A) IN GENERAL.—The Fund shall consist of amounts appropriated or otherwise made available to the Fund.

''(B) TRANSFER.—The Administrator may transfer necessary amounts from the Acquisition Workforce Training Fund (AWTF) established under section 1703(i) of this title to provide an initial deposit or to augment the Fund.

''(C) DEPARTMENT OF DEFENSE PARTICIPATION.—If the Department of Defense elects to participate in the program, it shall provide necessary funds, commensurate to the share of participants it sponsors, from proceeds available pursuant to section 1703(i)(5) of this title or section 1705 of title 10.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1714. Government-wide acquisition management fellows program.''.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a preliminary report on the program, including a description of the program and the five-year budget needed to carry out the government-wide acquisition management fellows program established under section 1714 of title 41, United States Code, as added by subsection (a).

(2) ANNUAL REPORT.—Not later than one year after the commencement of the program and annually thereafter, the Administrator shall submit to the appropriate congressional committees a report on the program. The report shall include—

(A) a description of the activities under the program, including the number of individuals who participated in the program and the training provided such individuals under the program;

(B) an assessment of the effectiveness of the program in meeting the objectives of the program, including the performance of each university administering the program; and

(C) any recommendations for additional legislative or administrative action that the Administrator considers appropriate in light of the program.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the OFPP Acquisition Fellows Development Fund the following amounts:

(1) For fiscal year 2012, $16,000,000.

(2) For fiscal year 2013, $32,000,000.

(3) For fiscal year 2014, and each fiscal year thereafter, $48,000,000.

SEC. 3. LEADERSHIP DEVELOPMENT TRAINING PROGRAM.

(a) ESTABLISHMENT OF LEADERSHIP DEVELOPMENT TRAINING PROGRAM.—

(b) ESTABLISHMENT OF TRAINING PROGRAM.—Not later than 180 days after the date of the enactment of this Act, Administrator for Federal Procurement Policy shall establish a leadership development training program for Federal employees focused on core leadership and acquisition competencies. The purpose of the training program shall be to foster the development of high performing

individuals in the three core acquisition disciplines of contracting, program management, and cost estimating to serve as future acquisition leaders.

(c) OBJECTIVES.—The objectives of the program shall be as follows:

(1) To develop a new generation of acquisition leaders in the three major acquisition disciplines currently in the Federal workforce in order to expand and improve the quality of the acquisition workforce.

(2) To develop high performing Federal employees in the three major acquisition disciplines to provide opportunities for advancement into leadership positions.

(3) To enhance the ability to foster networking and understanding among the three major acquisition disciplines to achieve desired acquisition outcomes.

(d) STRUCTURE.—

(1) COOPERATIVE AGREEMENT.—The Office of Federal Procurement Policy shall enter into cooperative agreements with one or more institutions of higher learning as prescribed under Office of Management and Budget Circular A–102, ''Grants and Cooperative Agreements with State and Local Governments'' to develop and implement the training program.

(2) PARTICIPANTS.—The training program participants shall be composed of an equal distribution of the three targeted acquisition disciplines.

(3) PROGRAM SELECTION OFFICIAL.—The Director of the Federal Acquisition Institute shall be the program selection official.

(4) TRAINING.—The program shall consist of 18 months of academic classroom training. The participants shall complete the training during normal duty hours, and shall remain at their current duty station during any such hours not spent in training. Upon successful completion of the program, participants shall receive a Master's Degree in Public Administration with a concentration in Federal acquisition.

(5) CURRICULUM.—The curriculum of the program shall be developed by the partnering institution or institutions of higher learning and approved by the Director of the Federal Acquisition Institute.

(e) SIZE.—The total number of individuals entering the pilot program shall be not less than 50. There shall be an equal composition of the three acquisition functions.

(f) ELEMENTS.—In carrying out the program, the Administrator for Federal Procurement Policy shall—

(1) enter into cooperative agreements with one or more institutions of higher learning to provide for the management and oversight of the training program; and

(2) collaborate with such institution or institutions to develop learning objectives and to design classroom training to best meet the program objectives.

(g) SERVICE AGREEMENT.—

(1) COMMITMENT FOR FEDERAL SERVICE.—A person selected for participation in the program shall commit to employment for not less than 2 years with the Federal Government in the field of acquisition, following completion of the program, under such terms and conditions as the Administrator for Federal Procurement Policy considers appropriate to ensure the Federal Government receives proper return on investment.

(2) REIMBURSEMENT OF FUNDS.—In cases where a participant does not complete the minimum employment commitment, the participant shall reimburse the Federal Government for a prorated share of the cost of the training, based on the proportion of the commitment that remains unfulfilled.

(h) USE OF FUNDS.—Amounts in the Acquisition Workforce Training Fund (AWTF) established under section 1703(i) of title 41, United States Code, may be made available for the program and may be used for—

(1) the establishment and operations of the program, including planning and administration;

(2) classroom training expenses, including—

(A) tuition;

(B) books; and

(C) other necessary expenses the Administrator for Federal Procurement Policy considers necessary.

(i) REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the commencement of the training program, and semi-annually thereafter, the Administrator for Federal Procurement Policy shall submit to the appropriate congressional committees a report on the program.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) a description of the activities under the training program, including the number of individuals who participated in the program and the training provided such individuals under the program;

(B) an assessment of the effectiveness of the program in meeting the objectives of the program, including the performance of the partnering institution or institutions of higher learning;

(C) recommendations for additional legislative or administrative action that the Administrator for Federal Procurement Policy considers appropriate in light of the program; and

(D) workforce data to support the return on investment, including retention rates and improvement in workforce quality.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Leadership Development Training Program the following amounts:

(1) For fiscal year 2012, $500,000.

(2) For fiscal year 2013, $250,000.

By Ms. COLLINS (for herself, Mr. AKAKA, Mrs. MCCASKILL, and Mr. BROWN of Massachusetts):

S. 762. A bill to improve the Federal Acquisition Institute; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. 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. 762

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 ''Federal Acquisition Institute Improvement Act of 2011''.

SEC. 2. ACQUISITION WORKFORCE IMPROVEMENTS.

(a) WORKFORCE IMPROVEMENTS.—Section 1704(b) of title 41, United States Code, is amended—

(1) by inserting after the first sentence the following: ''The Associate Administrator shall be chosen on the basis of demonstrated knowledge and expertise in acquisition, human capital, and management.'';

(2) by striking ''The Associate Administrator for Acquisition Workforce Programs shall be located in the Federal Acquisition Institute (or its successor).'' and inserting ''The Associate Administrator shall be located in the Office of Federal Procurement Policy.'';

(3) in paragraph (4), by striking ''; and'' and inserting a semicolon;

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

(5) by inserting after paragraph (4) the following new paragraph:

''(5) implementing workforce programs under subsections (f) through (k) of section 1703 of this title; and''.

(b) FEDERAL ACQUISITION INSTITUTE.—

(1) IN GENERAL.—Division B of title 41, United States Code, is amended by inserting after chapter 11 the following new chapter:

''CHAPTER 12—FEDERAL ACQUISITION INSTITUTE

''Sec.

''1201. Federal Acquisition Institute.

''§ 1201. Federal Acquisition Institute

''(a) IN GENERAL.—There is established a Federal Acquisition Institute (FAI) in order to—

''(1) foster and promote the development of a professional acquisition workforce government-wide;

''(2) promote and coordinate government-wide research and studies to improve the procurement process and the laws, policies, methods, regulations, procedures, and forms relating to acquisition by the executive agencies;

''(3) collect data and analyze acquisition workforce data from the Office of Personnel Management, the heads of executive agencies, and, through periodic surveys, from individual employees;

''(4) periodically analyze acquisition career fields to identify critical competencies, duties, tasks, and related academic prerequisites, skills, and knowledge;

''(5) coordinate and assist agencies in identifying and recruiting highly qualified candidates for acquisition fields;

''(6) develop instructional materials for acquisition personnel in coordination with private and public acquisition colleges and training facilities;

''(7) evaluate the effectiveness of training and career development programs for acquisition personnel;

''(8) promote the establishment and utilization of academic programs by colleges and universities in acquisition fields;

''(9) facilitate, to the extent requested by agencies, interagency intern and training programs;

''(10) collaborate with other civilian agency acquisition training programs to leverage training supporting all members of the civilian agency acquisition workforce;

''(11) assist civilian agencies with their acquisition human capital planning efforts; and

''(12) perform other career management or research functions as directed by the Administrator.

''(b) BUDGET RESOURCES AND AUTHORITY.—

''(1) IN GENERAL.—The Administrator for Federal Procurement Policy shall recommend to the Administrator of the General Services Administration sufficient budget resources and authority for the Federal Acquisition Institute to support government-wide training standards and certification requirements necessary to enhance the mobility and career opportunities of the Federal acquisition workforce.

''(2) ACQUISITION WORKFORCE TRAINING FUND.—Subject to the availability of funds, the Administer of General Services shall provide the Federal Acquisition Institute with

amounts from the acquisition workforce training fund established under section 1703(i) of this title sufficient to meet the annual budget for the Federal Acquisition Institute requested by the Administrator for Federal Procurement Policy.

''(c) FEDERAL ACQUISITION INSTITUTE BOARD OF DIRECTORS.—

''(1) REPORTING TO ADMINISTRATOR.—The Federal Acquisition Institute shall report through its Board of Directors directly to the Administrator for Federal Procurement Policy.

''(2) COMPOSITION.—The Board shall be composed of not more than 8 individuals from the Federal Government representing a mix of acquisition functional areas, all of whom shall be appointed by the Administrator.

''(3) DUTIES.—The Board shall provide general direction to the Federal Acquisition Institute to ensure that the Institute—

''(A) meets its statutory requirements;

''(B) meets the needs of the Federal acquisition workforce;

''(C) implements appropriate programs;

''(D) coordinates with appropriate organizations and groups that have an impact on the Federal acquisition workforce;

''(E) develops and implements plans to meet future challenges of the Federal acquisition workforce; and

''(F) works closely with the Defense Acquisition University.

''(4) RECOMMENDATIONS.—The Board shall make recommendations to the Administrator regarding the development and execution of the annual budget of the Federal Acquisition Institute.

''(d) DIRECTOR.—The Director of the Federal Acquisition Institute shall be appointed by, and report directly to, the Administrator.

''(e) ANNUAL REPORT.—The Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives an annual report on the projected budget needs and expense plans of the Federal Acquisition Institute to fulfill its mandate.''.

(2) CONFORMING AMENDMENT.—Section 1122(a)(5) of such title is amended to read as follows:

''(5) providing for and directing the activities of the Federal Acquisition Institute established under section 1201 of this title, including recommending to the Administrator of General Services a sufficient budget for such activities.''.

(c) GOVERNMENT-WIDE TRAINING STANDARDS AND CERTIFICATION.—Section 1703 of title 41, United States Code, is amended—

(1) in subsection (c)(2)—

(A) by striking ''The Administrator shall'' and inserting the following:

''(A) IN GENERAL.—The Administrator shall''; and

(B) by adding at the end the following:

''(B) GOVERNMENT-WIDE TRAINING STANDARDS AND CERTIFICATION.—The Administrator, acting through the Federal Acquisition Institute, shall provide and update government-wide training standards and certification requirements, including—

''(i) developing and modifying acquisition certification programs;

''(ii) ensuring quality assurance for agency implementation of government-wide training and certification standards;

''(iii) analyzing the acquisition training curriculum to ascertain if all certification competencies are covered or if adjustments are necessary;

''(iv) developing career path information for certified professionals to encourage retention in government positions;

''(v) coordinating with the Office of Personnel Management for human capital efforts; and

''(vi) managing rotation assignments to support opportunities to apply skills included in certification.''; and

(2) by adding at the end the following new subsection:

''(l) ACQUISITION INTERNSHIP AND TRAINING PROGRAMS.—All Federal civilian agency acquisition internship or acquisition training programs shall follow guidelines provided by the Office of Federal Procurement Policy to ensure consistent training standards necessary to develop uniform core competencies throughout the Federal Government.''.

(d) EXPANDED SCOPE OF ACQUISITION WORKFORCE TRAINING FUND.—Section 1703(i) of such title is amended—

(1) in paragraph (2), by striking ''to support the training of the acquisition workforce of the executive agencies'' and inserting ''to support the activities set forth in section 1201(a) of this title''; and

(2) in paragraph (6), by striking ''ensure that amounts collected for training under this subsection are not used for a purpose other than the purpose specified in paragraph (2)'' and inserting ''ensure that amounts collected under this section are not used for a purpose other than the activities set forth in section 1201(a) of this title''.

(e) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to preclude the Secretary of Defense from establishing acquisition workforce policies, procedures, training standards, and certification requirements for acquisition positions in the Department of Defense, as provided in chapter 87 of title 10, United States Code.

By Mr. LIEBERMAN (for himself, Mr. BROWN of Massachusetts, and Ms. LANDRIEU):

S. 763. A bill to amend the Elementary and Secondary Education Act of 1965 to require the establishment of teacher evaluation programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce the Securing Teacher Effectiveness, Leaders, Learning, And Results Act of 2011—the STELLAR Student Act, and I am honored to be joined in this bipartisan effort by my colleagues Senator SCOTT BROWN and Senator MARY LANDRIEU. The STELLAR Student Act will ensure that all students are taught by effective teachers and that all teachers are supported by effective principals.

Teacher and principal effectiveness are critical factors in improving student learning and achievement. Research shows that increasing teacher quality is one of the most effective and promising strategies for improving education in the United States. Some studies show that the differences in achievement gains for students who had the most effective teachers versus those who had the least effective teachers were greater than any single influence of class-size, race, socio-economic status, or parent education. Estimates suggest that the difference between having a highly effective teacher versus a highly ineffective teacher can be as much as a full year's learning growth.

Imagine the dire situation for a student who has a highly ineffective teacher for multiple years in a row. It is a situation that many students experience and potentially never recover from. There are far too many ineffective teachers, especially in less affluent urban districts. In many cases, due to antiquated hiring and firing protocols and policies, those ineffective teachers are keeping innovative young teachers from teaching where they are needed most. It is essential that we begin to differentiate between those highly effective and highly ineffective teachers and principals, especially when it comes to making personnel decisions in these challenging economic times.

The STELLAR Student Act of 2011 aims to encourage States to do just that by directing States to develop evaluation systems that consider student achievement and classroom observation, and to use those evaluations for key personnel decisions including pay, tenure, lay-offs, and retention.

To further these goals, the STELLAR Student Act of 2011 would specifically direct States to implement a teacher assessment system that bases teacher effectiveness predominantly on student academic growth and other measures including classroom observations; direct States to implement a principal assessment system that bases effectiveness predominantly on student academic growth as well as improvement in graduation rates, leadership, and successful hiring, development, evaluation, and retention of teachers; tie Title 1 funding to teacher and principal evaluations that incorporate multiple measures, relying predominantly on measures of student academic growth and achievement, as well as classroom performance; require that evaluations be used to inform key personnel decisions including tenure, compensation, and layoffs in the event of any reduction in force; encourage input from teachers and principals in the development and improvement of evaluations; and encourage improved targeting of professional development based on these evaluations.

The STELLAR Student Act addresses the fact that current teacher and principal evaluation systems are inadequate. Evaluation measures for teachers are not strongly linked to their ability to teach. In fact, seniority, not effectiveness, is often the single indicator used for making teacher personnel decisions. Some studies show that less than 1 percent of teachers are identified as unsatisfactory even though we know many more than 1 percent falls into this category. This also means that our most effective teachers are lumped together with less effective teachers and are not recognized for their exceptional work.

It is time to rethink conventional measures of teacher qualifications such as advanced degrees, traditional

credentialing, and years of experience as measures of teacher quality, and focus instead on actual measures of teacher effectiveness, such as student academic growth. Indeed, many States are looking for ways to tie teacher performance to student achievement and then use this information to inform personnel decisions. The STELLAR Student Act will help States do just that.

Although we believe it is important to hold teachers and principals accountable for student achievement, teachers and principals are certainly not the problem—they are an essential part of the solution. This bill asks for input from teachers and principals in designing and improving assessment systems, recognizes the importance of observation and other ongoing formative assessments, highlights the need for meaningful professional development, and asks States to duly recognize those effective teachers and leaders. The STELLAR Student Act also encourages school districts to assist low performing teachers by setting up targeted remediation and improvement plans.

Many teachers and parents also recognize and support the need for effective teacher evaluation linked to student performance. In a recent survey, 69 percent of teachers and 92 percent of parents support measuring teacher effectiveness based on student growth. In addition, most teachers—approximately 80 percent—and parents—approximately 96 percent—also believe that giving schools more ability to remove teachers who are not serving students well should be another priority. From the same survey, teachers in schools with high proportions of low-income students, high proportions of minority students, and those in urban or rural schools are more likely than other teachers to say that using measurements of teacher effectiveness that are based in significant part on student growth is something that must be done. Those same teachers are also more likely to say that giving schools greater ability to remove teachers who are not serving students well is something that must be done.

The Administration and many States are already moving in the direction of increased accountability and effective teacher and principal assessments. As the President said in the State of the Union ''we do want to reward good teachers and stop making excuses for the bad ones.'' A number of States, many of which are leaders in education reform, are exploring ways to hold teachers and principals more accountable along with rethinking ideas around tenure and the long standing last-in-first-out policies.

Whether your concern is that our students rank behind 30 other countries in math, that 1.2 million students drop out of school each year, or that an unacceptable achievement gap still persists for our low income and minority students, all of us must act on the urgent need to put forth a strong bipartisan effort to fix our education system. The reauthorization of the Elementary and Secondary Education Act, long overdue, affords us the opportunity. We must work across the aisle to fix what is broken in the current education law. We hope the STELLAR Student Act will be considered in the context of the ESEA rewrite, to ensure effective teachers and principals for every child and every school. Our colleagues in the House have introduced a similar bill, and I urge my colleagues in the Senate to support the STELLAR Student Act of 2011.

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. 763

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 ''Securing Teacher Effectiveness, Leaders, Learning, And Results Act'' or the ''STELLAR Student Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Effective teachers and principals are the backbone of our schools and the key to successful students.

(2) Teachers and principals deserve our full support as they take on one of the most important and most challenging responsibilities—educating our children.

(3) Research shows that high-quality and effective teaching is the single most important school-based factor impacting student learning.

(4) High-quality evaluations that provide meaningful feedback are a crucial element in giving educators the support they need to help students achieve at high levels.

(5) Teachers and principals also deserve access to high-quality professional development opportunities.

(6) Constructive feedback specifying areas for improvement could be useful to both teachers and principals.

(7) Although research also suggests that quality teacher evaluations are an important tool in improving teacher performance, for many teachers, the current evaluation systems do not provide useful feedback that would help the teachers improve and grow as instructors.

(8) In formal studies, including research highlighted in ''The Widget Effect'', nearly 75 percent of teachers reported that they have not received specific suggestions on how to improve classroom practices in annual evaluations.

(9) Across all local educational agencies, only 43 percent of teachers, including novice teachers who may benefit the most from suggestions, report that current evaluations systems help them.

(10) Research also shows that school leadership quality is second only to teacher quality among school-related factors that impact student learning.

(11) Strong school leadership is a key determinant of whether schools can attract and retain effective teachers. Principals set the direction and the vision for a school.

(12) Effective teachers and principals also deserve to be recognized for excellence and receive commendations in areas of strong performance and significant improvement.

(13) High-quality teacher and principal evaluations have the potential to be a powerful tool and should play a significant role in improving the public education system.

(14) Teachers and principals should provide input and contribute directly to designing, implementing, and improving evaluation systems in their school districts.

(15) Students and parents deserve effective teachers and inspirational principals who are performing to the best of their ability and who are helping to close achievement gaps and raise student achievement.

SEC. 3. ROBUST TEACHER AND PRINCIPAL EVALUATIONS.

(a) TEACHER AND PRINCIPAL EVALUATIONS.—Section 1111(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(a)) is amended by adding at the end the following:

''(3) REPORT ON TEACHER AND PRINCIPAL EVALUATIONS.—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary not later than 1 year after the date of enactment of the Securing Teacher Effectiveness, Leaders, Learning, And Results Act, a report on—

''(A) the system in the State of evaluating teachers' and principals' performance; and

''(B) how such evaluation factors into decisions on tenure, compensation, promotion, and dismissals of teachers and principals.''.

(b) TEACHER AND PRINCIPAL EVALUATIONS.—Section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)) is amended by adding at the end the following:

''(11) ROBUST TEACHER AND PRINCIPAL EVALUATIONS.—

''(A) IN GENERAL.—Not later than 4 years after the date of enactment of the Securing Teacher Effectiveness, Leaders, Learning, And Results Act, each State shall carry out the following:

''(i) Establish, after taking input from teachers and principals, a statewide definition of teacher and principal effectiveness that includes not less than 4 levels of performance ratings for teachers and for principals, including an effective rating and a highly effective rating, based on such definitions.

''(ii) Demonstrate that the State has developed, after taking input from teachers and principals, a model teacher and principal evaluation program under which—

''(I) individuals in charge of administering teacher and principal evaluations within each local educational agency in the State are provided rigorous training on how to conduct the teacher and principal evaluations, including—

''(aa) how to provide specific feedback about improving teaching and principal practice based on evaluation results; and

''(bb) how to evaluate teachers and principals using the performance ratings described in clause (i) and established under subparagraphs (B)(iii) and (C)(viii);

''(II) a teacher or principal who is evaluated is provided, based on the evaluation results, professional development opportunities that meet the specific needs identified for the teacher or principal;

''(III) measures are taken to ensure that any personally identifiable information of teachers and principals is not publicly disclosed, except as required to comply with the reporting requirements of paragraph (1)(C)(ix), and clauses (i)(III) and (ii)(III) of paragraph (2)(B), of section 1111(h);

''(IV) regular monitoring and assessment of the quality, reliability, validity, fairness, consistency, and objectivity of the evaluation program and the evaluators' judgments takes place within and across local educational agencies in the State;

''(V) each teacher's performance is evaluated in accordance with subparagraph (B);

''(VI) each principal's performance is evaluated in accordance with subparagraph (C);

''(VII) on the basis of the evaluation, each teacher or principal receives—

''(aa) a performance rating, as described in clause (i), that is based on multiple measures;

''(bb) in the case of a teacher—

''(AA) in a grade level and subject area with a statewide assessment, a measure of student learning gains that is comparable across the State for all teachers in grade levels and subject areas with a statewide assessment; or

''(BB) in a grade level and subject area without a statewide assessment, a measure of student learning gains that is comparable across the local educational agency for all teachers in grade levels and subject areas without a statewide assessment;

''(cc) ongoing formative feedback and specific recommendations on areas for professional improvement, which includes an identification of areas in which the teacher or principal can strengthen practices to improve student learning;

''(dd) a measure of student academic growth with respect to the State's academic standards of the school's students, including students in each of the subgroups described in paragraph (2)(C)(v)(II);

''(ee) commendations for excellence in areas of strong performance and in areas of significant improvement; and

''(ff) in the case of a teacher or principal who is identified as being in 1 of the lowest 2 performance ratings described in clause (i), a 1-year comprehensive remediation plan;

''(VIII) evaluation results are used as the principal factor in informing all key personnel and staffing decisions, including retention, dismissal, promotion, compensation, and tenure;

''(IX) evaluation results are the primary factor used in determining layoffs during any reduction in force;

''(X) any teacher or principal who receives 1 of the lowest 2 performance ratings and does not successfully improve performance on an evaluation after completing the comprehensive remediation plan as required under subclause (VII)(ff) is prohibited from working in any elementary school or secondary school served under this part;

''(XI) any teacher or principal who receives the lowest performance rating for 3 consecutive years is subject to dismissal;

''(XII) evaluation results are used to ensure that low-income students and students of color are not assigned at higher rates than other students to classes in core academic subjects taught by teachers who have received 1 of the 2 lowest evaluation rates in their most recent evaluation; and

''(XIII) a system is implemented under which each teacher and principal is evaluated at least annually.

''(iii) Demonstrate that each local educational agency in the State has adopted a local educational agency-wide teacher and principal evaluation program that—

''(I) was developed after seeking input from teachers and principals;

''(II) meets the standards for validity and reliability developed by the State; and

''(III) meets the minimum requirements set forth in clause (ii).

''(iv) Demonstrate that each local educational agency in the State is seeking input from teachers and principals to make improvements to the evaluation program on an annual basis.

''(v) Submit, on a regular basis, to the Secretary a review of the teacher and principal evaluation systems used by the local educational agencies in the State, including—

''(I) comparing the teacher and principal evaluation results, for each local educational agency and each such agency's schools, against the student academic achievement and student academic growth in all local educational agencies in the State and all schools served by such local educational agencies;

''(II) assessing the extent to which each local educational agency's existing system demonstrates meaningful differentiation among teacher performance levels and among principal performance levels; and

''(III) comparing implementation and results across local educational agencies' evaluation systems to ensure—

''(aa) comparability across the State in implementation of such systems; and

''(bb) that such systems meet the State's criteria or definitions for each of the terms described in clause (i).

''(vi) Provide technical assistance to improve an agency's teacher and principal evaluation system so that the system provides meaningful differentiation and is aligned with student academic achievement and student growth results in the agency and in each of the agency's schools.

''(vii) Establish a timeline for implementation that—

''(I) ensures that measures of student academic growth, as described in subparagraphs (B)(i) and (C)(i), are developed not later than 2 years after the date of enactment of the Securing Teacher Effectiveness, Leaders, Learning, And Results Act;

''(II) ensures evaluation systems that meet the requirements of subparagraphs (B) and (C) are implemented statewide by not later than 3 years after the date of enactment of such Act, except that such systems shall not have to meet the requirements under subclauses (VIII) through (XII) of clause (ii); and

''(III) ensures evaluation systems that meet all the requirements of this paragraph are fully implemented statewide by not later than 4 years after the date of enactment of such Act.

''(viii) Submit to the Secretary an annual report on implementation of the State plan under this section and on meeting the timelines required under this section.

''(ix) Publish a report each year showing the average estimate of teacher impact on student growth for each of the performance ratings described in clause (i).

''(B) REQUIREMENTS FOR TEACHER EVALUATIONS.—The evaluation of a teacher's performance shall comply with the following minimum requirements:

''(i) STUDENT ACADEMIC GROWTH.—The predominant factor of the evaluation is student academic growth with respect to the State's academic standards, as measured by—

''(I) student learning gains on the State's academic assessments established under paragraph (3) or, for grades and subjects not covered by the State's academic assessments, another valid and reliable assessment of student academic achievement, as long as the assessment is used consistently by the local educational agency in which the teacher is employed for the grade or class for which the assessment is administered; and

''(II) if available, value-added measures that track individual student academic growth while under the instruction of the teacher.

''(ii) OBSERVATIONS OF TEACHER PERFORMANCE.—A portion of the evaluation is based on observations of the teacher's performance in the classroom by not less than 1 trained and objective observer—

''(I) that take place on not less than 2 occasions during the school year the teacher is being evaluated; and

''(II) under which—

''(aa) a teacher is evaluated against a rigorous rubric that defines multiple performance categories in alignment with the State's professional standards for teachers; and

''(bb) observation ratings meaningfully differentiate among teachers' performance and bear a relationship to evidence of student academic growth with respect to the State's academic standards.

''(iii) MEANINGFUL DIFFERENTIATION.—The evaluation provides performance ratings that meaningfully differentiate among teacher performance using the performance ratings and levels described in subparagraph (A)(i).

''(iv) COMPARABILITY OF STUDENT GAINS.—The evaluation provides a measure of student learning gains that is comparable across the State for all teachers in grade levels and subject areas with a statewide assessment.

''(v) COMPARABILITY OF RESULTS.—The evaluation provides results that are comparable, at a minimum, across all teachers within a grade level or subject area in the local educational agency in which the teacher is employed.

''(C) REQUIREMENTS FOR PRINCIPAL EVALUATIONS.—The evaluation of the performance of a principal of a school shall comply with the following minimum requirements:

''(i) STUDENT ACADEMIC GROWTH.—The predominant factor of the evaluation is student academic growth with respect to the State's academic standards of the school's students, including students in each of the subgroups described in paragraph (2)(C)(v)(II).

''(ii) GRADUATING RATES.—For a principal of a secondary school, a portion of the evaluation is based on improvements in the school's graduation rates.

''(iii) SUPPORT OF EFFECTIVE TEACHERS.—A portion of the evaluation is based on the recruitment, development, evaluation, and retention of effective teachers.

''(iv) LEADERSHIP ABILITIES.—A portion of the evaluation is based on the leadership abilities of the principal, as measured by observations of the principal and other relevant data evaluated against a rigorous rubric that defines multiple performance categories in alignment with the State's professional standards for principals.

''(v) STUDENT ATTENDANCE RATES.—A portion of the evaluation is based on student attendance rates, as calculated by the State or local educational agency.

''(vi) CONTENT OF OBSERVATION RATINGS.—The observations described in clause (iv) provide observation ratings that—

''(I) meaningfully differentiate among principals' performance; and

''(II) bear a strong relationship to evidence of student academic growth with respect to the State's academic standards.

''(vii) DESCRIPTION OF LEADERSHIP ABILITIES.—The leadership abilities referred to in clause (iv) include the ability of the principal to—

''(I) create a shared and coherent schoolwide direction and policy for achieving high levels of student academic growth and closing achievement gaps among students;

''(II) identify and implement the activities and rigorous curriculum necessary for achieving high levels of student academic growth;

''(III) create opportunities for the community and families of students to engage positively with school administrators and staff;

''(IV) support positive learning environments for students;

''(V) cultivate a positive and collaborative work environment for school faculty and staff;

''(VI) collect, analyze, and utilize 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;

''(VII) effectively oversee and manage a teacher evaluation program that provides individualized feedback; and

''(VIII) have strong organizational management of a school, including sound budget and personnel practices.

''(viii) MEANINGFUL DIFFERENTIATION.—The evaluation provides performance ratings that meaningfully differentiate among principal performance using the performance ratings and levels described in subparagraph (A)(i).

''(ix) COMPARABILITY OF RESULTS.—The evaluation provides results that are comparable across all principals within the local educational agency in which the principal is employed.''.

(c) ADDITIONAL STATE PLAN REQUIREMENTS.—Section 1111(b)(8)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(8)(C)) is amended by inserting ''or teachers who received a performance rating under the evaluation system described in paragraph (11) that is below the effective level'' after ''teachers''.

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

(1) by striking ''ASSISTANCE.—The'' and inserting the following: ASSISTANCE; CLEARINGHOUSE ON EVALUATION SYSTEMS—

''(1) TECHNICAL ASSISTANCE.— The''; and

(2) by adding at the end the following:

''(2) CLEARINGHOUSE.—The Secretary shall establish a clearinghouse in the Department to share the best practices relating to teacher and principal evaluation, including best practices and other information based on the reports described in subsection (a)(3), the evaluation reviews described in subsection (a)(11)(A)(v), and any other reports addressing teacher and principal evaluation that are required under this Act, with other educators.''.

SEC. 4. PUBLIC REPORTING.

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

(1) in paragraph (1)(C)—

(A) in clause (vii), by striking ''and'' after the semicolon;

(B) in clause (viii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(ix) for each performance rating described in subsection (a)(11)(A)(i), the number and percentage of teachers, and the number and percentage of principals, who received such performance rating, for—

''(I) the State overall;

''(II) the highest poverty and lowest poverty local educational agencies; and

''(III) the highest minority and lowest minority local educational agencies.'';

(2) in paragraph (2)(B)—

(A) in clause (i)—

(i) in subclause (I), by striking ''and'' after the semicolon; and

(ii) by adding at the end the following:

''(III) for each performance rating described in subsection (a)(11)(A)(i), the number and percentage of teachers, and the number and percentage of principals, who received such performance rating, for—

''(aa) the local educational agency overall;

''(bb) the highest poverty and lowest poverty schools; and

''(cc) the highest minority and lowest minority schools; and''; and

(B) in clause (ii)—

(i) in subclause (I), by striking ''and'' after the semicolon;

(ii) in subclause (II), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(III) for each performance rating described in subsection (a)(11)(A)(i), the number and percentage of teachers at the school that received such performance rating.'';

(3) in paragraph (4)—

(A) in subparagraph (F), by striking ''and'' after the semicolon;

(B) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(H) the information required to be reported under paragraphs (1)(C)(ix) and (2)(B)(i)(III).''; and

(4) by adding at the end the following:

''(7) DEFINITIONS.—For purposes of this subsection:

''(A) HIGHEST MINORITY.—The term 'highest minority' when used in relation to a school or local educational agency means a school or local educational agency that is in the highest quartile of schools or local educational agencies statewide in terms of the percentage of pupils who are members of ethnic or racial minority groups.

''(B) HIGHEST POVERTY.—The term 'highest poverty' when used in relation to a school or local educational agency means a school or local educational agency that is in the highest quartile of schools or local educational agencies statewide in terms of the percentage of students who are certified as eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(C) LOWEST MINORITY.—The term 'lowest minority' when used in relation to a school or local educational agency means a school or local educational agency that is in the lowest quartile of schools or local educational agencies statewide in terms of the percentage of pupils who are members of ethnic or racial minority groups.

''(D) LOWEST POVERTY.—The term 'lowest poverty' when used in relation to a school or local educational agency means a school or local educational agency that is in the lowest quartile of schools or local educational agencies statewide in terms of the percentage of students who are certified as eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(E) STUDENT ACADEMIC GROWTH.—The term 'student academic growth' means the change in a student's achievement between 2 or more points in time, as measured through an approach that is statistically rigorous and appropriate for the knowledge and skills being measured.''.

SEC. 5. RECOGNITION OF LOCAL EDUCATIONAL AGENCIES.

The Secretary of Education shall, based on the information received from each local educational agency report card under section 1111(h)(2)(B)(i)(III) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(2)(B)(i)(III)), recognize and provide commendations to each local educational agency that implements or has implemented innovative, high-quality, and effective teacher or principal evaluation programs that lead to professional development and improved student performance.

SEC. 6. REPORT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Education shall prepare and submit a report to Congress that—

(1) identifies any unnecessary or duplicative education-related reporting requirements and regulations facing States and local educational agencies as a result of the amendments made by this Act to section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311); and

(2) includes the Secretary's recommendations regarding streamlining or eliminating the requirements regarding highly qualified teachers under sections 1119 and 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319, 7801(23)) after the teacher evaluation system required under section 1111 of such Act (20 U.S.C. 6311), as amended by this Act, is fully implemented.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 764. A bill to amend the Wild and Scenic Rivers Act to make technical corrections to the segment designations for the Chetco River, Oregon; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, part of my job as a Senator from a beautiful State like Oregon is to keep that beauty protected for the next generation of Oregonians. Today it is my pleasure to reintroduce three bills to better protect three of Oregon's special natural resources, S. 764, 765, and 766. I have introduced all of these bills before, one of these in both of the last two Congresses. The Oregon Caves Revitalization Act of 2011 was first introduced in 2008, and again in the last Congress. It progressed out of the Energy and Natural Resources Committee in the last Congress but unfortunately there wasn't an opportunity to vote on it on the Senate Floor. The Devil's Staircase Wilderness Act of 2011 also moved out of the Committee but failed to get a vote in the full Senate. The Chetco River Protection Act of 2011 was also introduced last session, but there was not enough time to get a hearing before the Senate adjourned. I am pleased to again introduce these bills with my colleague from Oregon, Senator MERKLEY. My colleague in the House of Representatives, Representative DEFAZIO, will also be introducing companion legislation today.

The first bill I am introducing, the Oregon Caves Revitalization Act of 2011, will expand the boundary of the National Park Service land to create the Oregon Caves National Monument and Preserve. Under this bill, the stunning majesty of both the underground and the aboveground treasures found at this National Monument site will be protected for future generations.

Established by a Presidential Proclamation in 1909, the Oregon Caves National Monument is a 480-acre natural wonder located in the botanically-rich Siskiyou Mountains. It was originally set aside because of its unusual scientific interest and importance. Oregon Caves has a unique geologic history and is particularly known as the longest marble cave open to the public west of the Continental Divide.

A perennial stream, the ''River Styx''—an underground portion of Cave Creek—flows through part of the cave and is one of the dynamic natural forces at work in the National Monument. The cave ecosystem provides habitat for numerous plants and animals, including some state-sensitive species such as Townsend's big-eared

bats and several cave-adapted species of arthropods found only in only one place on Earth: the Oregon Caves. The caves possess a significant collection of Pleistocene aged fossils, including jaguar and grizzly bear. In 1995, grizzly bear bones found in the cave were estimated to be at least 50,000 years old, the oldest known from either North or South America.

Today, I am proposing legislation that will enhance the protection for treasures such as these found within the Oregon Caves National Monument and that will increase public recreation opportunities by adding surrounding lands to the National Park Service site. My bill would expand the park site by 4,070 acres to include the entire Cave Creek Watershed, and transfer management of the land from the United States Forest Service to the National Park Service. The newly acquired lands will be designated as a Preserve so that hunters can still use them. In addition, my legislation would designate at least 9.6 miles of rivers and tributaries as Wild, Scenic, or Recreational, under the federal Wild and Scenic Rivers Act, including the first subterranean Wild and Scenic River, the River Styx. This bill would also authorize the retirement of existing grazing allotments.

When the Oregon Caves National Monument was established in 1909, the focus was on the unique subsurface resources, and the small rectangular boundary was thought to be adequate to protect the cave. Through the years, however, scientific research and technology have provided new information about the cave's ecology, and the impacts from the surface environment and the related hydrological processes. The current 480-acre boundary simply can't adequately protect this cave system. The National Park Service has formally proposed a boundary modification numerous times, first in 1939, again in 1949, and most recently in 2000. Today, I am happy to again propose legislation to enact that boundary adjustment into law.

The Oregon Caves National Monument makes a unique contribution to Southern Oregon's economy and to the national heritage. The Monument receives over 80,000 visitors annually and a larger Monument boundary will help showcase more fully the recreational opportunities on the above-ground lands within the proposed Monument boundary. The Monument's above-ground lands in the Siskiyou Mountains possess a beauty and diversity that is unique in America, and indeed the world. The Oregon Caves National Monument's approximately 500 plants, 5,000 animals, 2,000 fungi, and over a million bacteria per acre that make the spot have one of the highest concentrations of biological diversity anywhere.

Expanding the Monument's boundary will also preserve the caves' resources by protecting the water that enters the cave. By granting the National Park Service the ability to safeguard these resources, and by providing for a voluntary donation of grazing permits, my legislation will be able to better protect these resources. Over the decades, the number of allowed livestock has diminished, but the livestock still has an impact on the drinking water supply and the water quality of this natural gem. The current grazing permitee, Phil Krouse's family, has had the Big Grayback Grazing Allotment, 19,703 acre, since 1937. Mr. Krouse has publicly stated that he would look favorably upon retirement with private compensation for his allotment, which my legislation will allow to proceed.

The second bill I am introducing is the Devil's Staircase Wilderness Act of 2011, which designates approximately 30,540 acres surrounding the Wasson Creek area as Wilderness. Devil's Staircase personifies what Wilderness in Oregon is all about. It is rugged, wild, pristine and remote. So rugged, in fact, that land managers have repeatedly withdrawn this landslide-prone forest from all timbering activity and intrepid hikers must follow elk and deer trails and keep a sharp eye on a compass. The proposed Devil's Staircase Wilderness is the finest old-growth forest remaining in Oregon's Coast Range, boasting huge Douglas-fir, cedar and hemlock and a wealth of threatened and endangered species. Wildlife include threatened marbled murrelets and the highest density of Northern Spotted Owls in the coastal mountains.

My proposal would not only protect the forests surrounding Wasson Creek but would also designate approximately 4.5 miles of Franklin Creek and approximately 10.1 miles of Wasson Creek as Wild and Scenic Rivers. Franklin Creek, a critically important tributary to the Umpqua River, is one of the best examples of pristine salmon habitat left in Oregon. Together with Wasson Creek, these two streams in the Devil's Staircase area deserve Wild and Scenic River designation by Congress.

The ecological significance of this treasure is apparent. The land is protected as a Late-Successional Reserve by the Northwest Forest Plan, as critical habitat for the northern spotted owl, and as an Area of Critical Environmental Concern by the Bureau of Land Management. Preserving these majestic forests as Wilderness for their wildlife and spectacular scenery matches the goals of the existing land management plans. I look forward to protecting this gem for future generations.

For over a decade, I've advocated for protections for the Chetco and other threatened waterways in Southwest Oregon. I'm reintroducing a third piece of legislation today that would continue that effort. The Chetco River Protection Act of 2011 would withdraw about three miles of the Chetco River from mineral entry, while upgrading the designations for some portions.

This river is under immediate threat from out-of-state suction dredge miners. The group American Rivers said last year that the Chetco was the seventh most endangered river in the country because of those threats. This is a river that is hugely important for salmon habitat and local sport fishing. The passage of this legislation would mean protecting that habitat, and promoting the continued success of the fishing industry throughout the West Coast.

Withdrawing these portions of the river from future mineral entry will prevent future harmful mining claims and make sure that those claims that already exist are valid I am pleased the Obama administration has taken some steps to protect this area, but the passage of this legislation is needed to ensure long-term protection for this important river.

Finally, I want to express my thanks to the conservation, recreation and business communities of Southern and Coastal Oregon, and Phil Krouse for his strong conservation ethic. All of them have worked diligently to protect these special places. I look forward to working with Senator MERKLEY, Representative DEFAZIO, and other colleagues and the bill's other supporters to keep up the fight for these unique places in Oregon and get these pieces of legislation to the President's desk for his signature.

By Mr. HARKIN:

S. 767. A bill to improve the calculation of, the reporting of, and the accountability for, secondary school graduation rates; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, in today's rapidly changing, global knowledge-based economy, making sure that all students graduate from high school is more important than ever. A high school diploma opens the doors to post-secondary education and workforce development programs, which lead to jobs that pay family-sustaining wages. The bottom line is that a high school diploma is no longer an option—it is an essential education credential that all Americans need to have in order to successfully compete in the workforce. Yet, for far too many, a high school diploma is still out of reach. According to researchers at Johns Hopkins University, one out of every three students who enters the ninth grade fails to graduate from high school within 4 years. An estimated 12 million students will drop out of school during the next decade, costing the Nation more than $3 trillion in forgone revenues and increased social service costs.

When Congress passed the No Child Left Behind Act in 2001, we required that accountability determinations for high schools include graduation rates. However, the law did not require States to use a common formula for calculating graduation rates nor did it set graduation rate goals for high schools. As a result, states created different calculations that have led to inconsistent and inaccurate reporting of

graduation rates. Without transparency, we cannot know the full extent of our Nation's dropout crisis, hold schools accountable, or design effective solutions.

That is why I am pleased to introduce the Every Student Counts Act, which my colleague Rep. BOBBY SCOTT will introduce in the House today. This legislation will ensure the accurate calculation and reporting of high school graduation rates, and will hold States, districts, and schools accountable for ensuring that all students graduate with a high school diploma.

The Every Student Counts Act builds upon steps taken by all 50 States and the Department of Education to ensure more accurate calculations of and reporting of high school graduation rates.

Four years into the implementation of the No Child Left Behind Act, State leaders recognized the need for consistent graduation rate calculations and governors from all 50 States joined together in 2005 to call for a uniform graduation rate across the States. This leadership from the States was crucial in calling attention to the problem of inaccurate graduation rate calculations and formed the basis for action. In 2008, the U.S. Department of Education built on the governors' laudable work and issued regulations that require states to use a single, accurate graduation rate calculation and to set graduation rate goals and annual growth targets.

The 2008 regulations were an important step in the right direction, but they need to be improved and codified so that states, districts, and schools no longer have to rely solely on regulations that could be reversed. The Every Student Counts Act codifies key pieces of the regulations while making improvements where necessary. Specifically, this act sets a uniform graduation rate goal of 90 percent and requires schools that do not meet this goal to improve their graduation rate annually by three percentage points. Additionally, this act builds upon the States' and the Department of Education's graduation rate calculation work by giving credit to schools for students who graduate in more than 4 years through a cumulative graduation rate calculation, while maintaining the expectation that all students graduate within 4 years.

This legislation will bring transparency and accountability to schools across the Nation to help them provide all students with the high school diploma they need to have a chance to succeed in postsecondary education and the global economy.

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. 767

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 ''Every Student Counts Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In order for the United States to retain a competitive edge in the world economy, it is essential that youth in the United States be prepared for the jobs of today and for the jobs of the future. Such jobs increasingly require postsecondary education, and according to a 2008 Department of Labor report, almost 90 percent of the fastest growing and best paying jobs require some postsecondary education.

(2) Individuals without a regular secondary school diploma experience higher rates of unemployment, incarceration, poverty, and receipt of public assistance than individuals with a regular secondary school diploma.

(3) According to the 2009 Center for Public Education report ''Better late than never? Examining late high school graduates'', on-time graduation with a regular secondary school diploma leads to the best outcomes for students, but students who graduate late with a regular secondary school diploma are still more likely to earn an associate or a baccalaureate degree, to be employed full-time, and to obtain a job with retirement benefits and health insurance than are either students who drop out of secondary school or students who receive a GED.

(4) About 1,300,000 secondary school students, which is approximately ⅓ of all secondary school students in the United States, fail to graduate with their peers every year. According to the Department of Education, the United States secondary school graduation rate is only 75 percent.

(5) The graduation rates for historically disadvantaged minority groups are far lower than that of their White peers. Little more than half of all African-American and Hispanic students finish secondary school on time with a regular secondary school diploma, while more than ¾ of White students finish secondary school on time with a regular secondary school diploma.

(6) Nearly 2,000 secondary schools (about 12 percent of all secondary schools in the United States) produce about half of the Nation's secondary school dropouts. In these schools, the number of seniors is routinely 60 percent or less than the number of freshmen 3 years earlier. While 34 percent of the Nation's African-American students and nearly 28 percent of Latino students attend these ''dropout factories'', only 16 percent of White students do.

(7) The average gap between State-reported graduation rates and independently-reported graduation rates is approximately 11 percent.

(8) In 2005, all 50 of the Nation's Governors signed the National Governors Association's Graduation Rate Compact, pledging to use a common, accurate graduation rate.

(9) In 2008, the Secretary of Education released final regulations that also require States to report a common graduation rate calculation. However, since the Department of Education did not specify in the regulations what graduation rate goals and growth targets are appropriate and how States should include 4-year rates and extended year rates in calculating adequate yearly progress, it is necessary to clarify these goals, targets and rates in order to create a meaningful Federal accountability system for secondary schools.

(10) State-set targets to make adequate yearly progress under the Secretary of Education's 2008 regulations are numerous in type and varied in aggressiveness. Twenty-eight States have set a graduation rate goal of less than 90 percent. At least 8 States have set status targets that do not take into consideration progress toward the State-set goal. Furthermore, only 2 of the 9 States that include extended year rates in measures of adequate yearly progress do so in a way that places a priority on graduating students within 4 years.

(11) The most accurate graduation rate calculations rely on high-quality longitudinal data systems that track individual student data from the time a student enters kindergarten through the time such student finishes 12th grade. Forty-eight States plan to have data systems that will provide secondary school data that will allow such States to use the graduation rate formula specified in the Department of Education's 2008 final regulations not later than the 2011-2012 school year.

(12) An accountability system with meaningful graduation rate goals—

(A) holds schools, school districts, and States responsible for both student achievement and outcomes; and

(B) ensures that low-performing students are not unnecessarily held back or encouraged to leave school without a diploma.

(13) Prior to the 2008 regulations, the amendments to the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) made by the No Child Left Behind Act of 2001 (Public Law 107–110) did not require consistent calculations, meaningful goals, or disaggregation of graduation rates. Without clear guidance from the Department of Education, most secondary schools can continue to make adequate yearly progress by making as little as 0.1 percent improvement or less in secondary school graduation rates each year and can do so with a consistent, or even growing, secondary school graduation gap among subgroups of students.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to require consistent calculations and reporting of secondary school graduation rates across schools, school districts, and States;

(2) to provide educators with critical information about student progress toward secondary school graduation; and

(3) to ensure meaningful accountability for the improvement of secondary school graduation rates for all students, particularly for poor and minority students.

SEC. 4. SECONDARY SCHOOL GRADUATION RATES.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1111 (20 U.S.C. 6311) the following:

''SEC. 1111A. SECONDARY SCHOOL GRADUATION RATES.

''(a) DEFINITIONS.—In this section:

''(1) ADJUSTED COHORT; ENTERING COHORT; TRANSFERRED INTO; TRANSFERRED OUT.—

''(A) ADJUSTED COHORT.—Subject to subparagraphs (D)(ii) through (G), the term 'adjusted cohort' means the difference of—

''(i) the sum of—

''(I) the entering cohort; plus

''(II) any students that transferred into the cohort in any of grades 9 through 12; minus

''(ii) any students that are removed from the cohort as described in subparagraph (E).

''(B) ENTERING COHORT.—The term 'entering cohort' means the number of first-time 9th graders enrolled in the secondary school 1 month after the start of the secondary school's academic year.

''(C) TRANSFERRED INTO.—The term 'transferred into' when used with respect to a secondary school student, means a student who—

''(i) was a first-time 9th grader during the same school year as the entering cohort; and

''(ii) enrolls after the entering cohort is calculated as described in subparagraph (B).

''(D) TRANSFERRED OUT.—

''(i) IN GENERAL.—The term 'transferred out' when used with respect to a secondary school student, means a student who the secondary school or local educational agency has confirmed has transferred—

''(I) to another school from which the student is expected to receive a regular secondary school diploma; or

''(II) to another educational program from which the student is expected to receive a regular secondary school diploma.

''(ii) CONFIRMATION REQUIREMENTS.—

''(I) DOCUMENTATION REQUIRED.—The confirmation of a student's transfer to another school or educational program described in clause (i) requires documentation from the receiving school or program that the student enrolled in the receiving school or program.

''(II) LACK OF CONFIRMATION.—A student who was enrolled, but for whom there is no confirmation of the student having transferred out, shall remain in the cohort as a nongraduate for reporting and accountability purposes under this section.

''(iii) PROGRAMS NOT PROVIDING CREDIT.—A student enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular secondary school diploma shall not be considered transferred out.

''(E) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, or is deceased.

''(F) TREATMENT OF OTHER LEAVERS AND WITHDRAWALS.—A student who was retained in a grade, enrolled in a GED program, aged-out of a secondary school or secondary school program, or left secondary school for any other reason, including expulsion, shall not be considered transferred out, and shall remain in the adjusted cohort.

''(G) SPECIAL RULE.—For those secondary schools that start after grade 9, the entering cohort shall be calculated 1 month after the start of the secondary school's academic year in the earliest secondary school grade at the secondary school.

''(2) ALTERNATIVE EDUCATIONAL SETTING.—The term 'alternative educational setting' means—

''(A) a secondary school or secondary school educational program that—

''(i) is designed for students who are undercredited or have dropped out of secondary school; and

''(ii) awards a regular secondary school diploma; or

''(B) a secondary school or secondary school educational program designed to issue a regular secondary school diploma concurrently with a postsecondary degree or not more than 2 years of postsecondary education credit.

''(3) CUMULATIVE GRADUATION RATE.—The term 'cumulative graduation rate' means, for each school year, the percent obtained by calculating the product of—

''(A) the result of—

''(i) the sum of—

''(I) the number of students who—

''(aa) form the adjusted cohort; and

''(bb) graduate in 4 years or less with a regular secondary school diploma (which shall not include a GED or other certificate of completion or alternative to a diploma except as provided in paragraph (6)(B)); plus

''(II) the number of additional students from previous cohorts who graduate in more than 4 years with a regular secondary school diploma (which shall not include a GED or other certificate of completion or alternative to a diploma except as provided in paragraph (6)(B)); divided by

''(ii) the sum of—

''(I) the number of students who form the adjusted cohort for that year's graduating class; plus

''(II) the number of additional student graduates described in clause (i)(II); multiplied by

''(B) 100.

''(4) 4-YEAR ADJUSTED COHORT GRADUATION RATE.—The term '4-year adjusted cohort graduation rate' means the percent obtained by calculating the product of—

''(A) the result of—

''(i) the number of students who—

''(I) formed the adjusted cohort 4 years earlier; and

''(II) graduate in 4 years or less with a regular secondary school diploma (which shall not include a GED or other certificate of completion or alternative to a diploma except as provided in paragraph (6)(B)); divided by

''(ii) the number of students who formed the adjusted cohort for that year's graduating class 4 years earlier; multiplied by

''(B) 100.

''(5) ON-TRACK STUDENT.—The term 'on-track student' means a student who—

''(A) has accumulated the number of credits necessary to be promoted to the next grade, in accordance with State and local educational agency policies;

''(B) has a 90 percent or higher school attendance rate;

''(C) has failed not more than 1 semester in English or language arts, mathematics, science, or social studies; and

''(D) has failed not more than any 2 credit-bearing courses.

''(6) REGULAR SECONDARY SCHOOL DIPLOMA.—

''(A) IN GENERAL.—The term 'regular secondary school diploma' means the standard secondary school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma. Such term shall not include GEDs, certificates of attendance, or any lesser diploma award.

''(B) SPECIAL RULE.—For a student who has a significant cognitive disability and is assessed using an alternate assessment aligned to an alternate achievement standard, receipt of a regular secondary school diploma or a State-defined alternate diploma aligned with completion of the student's right to a free and appropriate public education under the Individuals with Disabilities Education Act shall be counted as graduating with a regular secondary school diploma for the purposes of this section, except that not more than 1 percent of students served by the State or local educational agency, as appropriate, shall be counted as graduates with a regular secondary school diploma under this subparagraph.

''(7) UNDER-CREDITED STUDENT.—The term 'under-credited student' means a secondary school student who is a year or more behind in the expected accumulation of credits or courses toward an on-time graduation as determined by the relevant local educational agency's and State educational agency's secondary school graduation requirements for an on-time graduation.

''(b) CALCULATING AND REPORTING ACCURATE GRADUATION RATES.—

''(1) CALCULATING GRADUATION RATES.—Not later than school year 2011–2012, and every school year thereafter, each State educational agency and local educational agency that is assisted under this part shall calculate, using a statewide longitudinal data system with individual student identifiers for each school served by the State or local educational agency, as the case may be—

''(A) the 4-year adjusted cohort graduation rate; and

''(B) the cumulative graduation rate.

''(2) CALCULATION AT SCHOOL, LEA, AND STATE LEVELS; DISAGGREGATION AND CROSS TABULATION.—The 4-year adjusted cohort graduation rate and the cumulative graduation rate shall be calculated at the school, local educational agency, and State levels in the aggregate and disaggregated and cross tabulated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, and made public, except that such disaggregation or cross tabulation shall not be required in a case in which the number of students in a subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

''(3) STATEWIDE EXIT CODES.—Not later than 1 year after the enactment of the Every Student Counts Act, each State that receives funds under this subpart shall—

''(A) design a statewide exit code system, in consultation with local educational agencies;

''(B) require all local educational agencies to use the statewide exit code system; and

''(C) provide technical assistance and support to local educational agencies to assist such agencies with the implementation of the statewide exit code system.

''(4) REPORTING GRADUATION RATES.—Subject to paragraph (5), not later than school year 2011–2012, and every school year thereafter, each State that is assisted under this part shall ensure that the State, all local educational agencies in the State, and all secondary schools in the State report annually, as part of the State and local educational agency report cards required under section 1111(h), each of the following:

''(A) 4-YEAR ADJUSTED COHORT GRADUATION RATE.—The 4-year adjusted cohort graduation rate, in the aggregate and disaggregated by each of the subgroups described in paragraph (2).

''(B) 4-YEAR ADJUSTED COHORT SIZE AND 4-YEAR GRADUATES.—The final number of students in the 4-year adjusted cohort and the total number of 4-year graduates in the aggregate and disaggregated by each of the subgroups described in paragraph (2).

''(C) CUMULATIVE GRADUATION RATE.—The cumulative graduation rate, in the aggregate and disaggregated by each of the subgroups described in paragraph (2).

''(D) NUMBER AND PERCENTAGE OF STUDENTS GRADUATING IN MORE THAN 4 YEARS.—The number and percentage of secondary school students graduating in more than 4 years with a regular secondary school diploma as described in subsection (a)(3)(A)(i)(II), disaggregated by the number of years it took the students to graduate and by each of the subgroups described in paragraph (2).

''(E) NUMBER AND PERCENTAGE OF STUDENTS REMOVED FROM COHORT.—The number and percentage of secondary school students who have been removed from the 4-year adjusted cohort by exit code (as described in subsection (b)(3)), in the aggregate and disaggregated by each of the subgroups described in paragraph (2).

''(F) NUMBER AND PERCENTAGE OF CONTINUING STUDENTS.—The number and percentage of students from each previous adjusted cohort that began 4 years or more earlier who have not graduated from and are still enrolled in secondary school.

''(5) USE OF INTERIM GRADUATION RATE.—In the case of a State that does not have an individual student identifier longitudinal data system, with respect to each graduation rate calculation or reporting requirement under this section, the State and local educational

agencies and secondary schools in the State shall temporarily carry out this section by using an interim graduation rate calculation that meets the following conditions:

''(A) NUMBER OF GRADUATES COMPARED TO NUMBER OF STUDENTS.—The calculation shall measure or estimate the number of secondary school graduates compared to the number of students in the secondary school's entering grade.

''(B) DROPOUT DATA.—The calculation shall not use dropout data.

''(C) REGULAR SECONDARY SCHOOL DIPLOMA.—The calculation shall count as graduates only those students who receive a regular secondary school diploma.

''(D) DISAGGREGATION.—The calculation shall be disaggregated by each of the subgroups described in paragraph (2).

''(E) ANNUAL BASIS AND RATE OF GROWTH.—The calculation shall be used on an annual basis to determine a rate of growth, as described in subsection (c).

''(F) TIMEFRAME LIMITATION.—The interim graduation rate calculation may only be used through the end of school year 2012–2013.

''(G) REPORTING USE OF INTERIM GRADUATION RATE.—Each State that receives assistance under this part and does not have an individual student identifier longitudinal data system shall describe in the State's plan submitted under section 1111 the interim graduation rate used in accordance with this paragraph.

''(6) REPORTING ON ALTERNATIVE SETTINGS.—Not later than school year 2011–2012, and every school year thereafter, each State educational agency and local educational agency that receives assistance under this part and contains an alternative education setting that establishes an alternative 4-year completion requirement as described in subsection (c)(4)(C)(iii), shall report annually as part of the State and local educational agency report cards required under section 1111(h), the following:

''(A) The name of each alternative education setting that establishes an alternative 4-year completion requirement as described in subsection (c)(4)(C)(iii).

''(B) A description of the program provided at each setting and the population served.

''(C) The enrollment of such settings in the aggregate and disaggregated by each of the subgroups described in paragraph (2), including as a percent of overall enrollment.

''(D) Whether the setting is a new school or setting.

''(E) The alternative 4-year completion requirement as described in subsection (c)(4)(C)(iii).

''(7) REPORTING PERCENT OF ON-TRACK STUDENTS.—Not later than school year 2011–2012, and every school year thereafter, each State educational agency, local educational agency, and school that receives assistance under this part shall report annually, as part of the State and local educational agency report cards required under section 1111(h), the percent of on-track students for each secondary school grade served by the State educational agency, local educational agency, and school, respectively, other than the graduating grade for the secondary school, in the aggregate and disaggregated by each of the subgroups described in paragraph (2).

''(8) REPORTING ADDITIONAL INDICATORS.—

''(A) IN GENERAL.—A State may report additional complementary indicators of secondary school completion, such as—

''(i) a college-ready graduation rate;

''(ii) a dropout rate;

''(iii) in-grade retention rates;

''(iv) percentages of students receiving GEDs, certificates of completion, or alternatives to a diploma;

''(v) average attendance rates in the aggregate and disaggregated by each of the subgroups described in paragraph (2); and

''(vi) in the case of a State with exit examinations, students who have completed course requirements but failed a State examination required for secondary school graduation.

''(B) DEFINITIONS FOR INDICATORS.—The Secretary shall promulgate and publish in the Federal Register regulations containing definitions for the indicators described in clauses (i), (ii), and (iii) of subparagraph (A) that are consistent with the definitions used by the National Center for Educational Statistics, in order to ensure that the indicators are comparable across schools and school districts within a State.

''(C) PROHIBITION.—For purposes of reporting or accountability under this section, the additional indicators shall not replace the 4-year adjusted cohort graduation rate or the cumulative graduation rate.

''(D) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to prohibit a State from reporting indicators of secondary school completion that are not described in subparagraph (A).

''(9) DATA ANOMALIES.—

''(A) IN GENERAL.—When an individual student record indicates a student was enrolled in more than 1 secondary school or a student record shows enrollment in a secondary school but no subsequent information, such student record shall be assigned to 1 adjusted cohort for the purposes of calculating and reporting school, local educational agency, and State 4-year adjusted cohort graduation rates and cumulative graduation rates under this subsection.

''(B) SPECIAL RULE.—A student who returns to secondary school after dropping out of secondary school, or receives a diploma from more than 1 school or educational program served by any 1 local educational agency, shall be counted—

''(i) only once for purposes of reporting and accountability under this section; and

''(ii) as part of the student's original adjusted cohort.

''(10) MONITORING OF DATA COLLECTION.—Each State that receives assistance under this part shall conduct regular audits of the data collection, use of exit codes (as described in subsection (b)(3)), reporting, and calculations that are carried out by local educational agencies in the State. The Secretary shall assist States in their efforts to develop and retain the capacity for collection, analysis, and public reporting of 4-year adjusted cohort graduation rate and cumulative graduation rate data.

''(c) SCHOOL, LOCAL EDUCATIONAL AGENCY, AND STATE ACCOUNTABILITY.—

''(1) GRADUATION RATE GOAL.—Each State that receives assistance under this part shall—

''(A) seek to have all students graduate from secondary school prepared for success in college and career; and

''(B) meet the graduation rate goal as described in this subsection.

''(2) GRADUATION RATE CALCULATION.—Each State that receives assistance under this part shall use aggregate and disaggregated 4-year adjusted cohort graduation rates or cumulative graduation rates as the additional indicator described in section 1111(b)(2)(C)(vi) for the purposes of determining each secondary school's and local educational agency's adequate yearly progress.

''(3) MEETING GRADUATION RATE GOAL.—In order to meet the graduation rate goal, a State, local educational agency, or school shall demonstrate that it has a 4-year adjusted cohort graduation rate or a cumulative graduation rate above 90 percent in the aggregate and for all subgroups described in subsection (b)(2).

''(4) ANNUAL MEASURABLE OBJECTIVES.—The Secretary shall require a State, local educational agency, or school that receives assistance under this part and that has not met the graduation rate goal in the aggregate or for any subgroup described in subsection (b)(2) to increase the 4-year adjusted cohort graduation rate or the cumulative graduation rate, in the aggregate or for such subgroup, respectively, in order to make adequate yearly progress under section 1111(b)(2), as follows:

''(A) BASELINE FOR 4-YEAR ADJUSTED COHORT AND CUMULATIVE GRADUATION RATES.—

''(i) IN GENERAL.—Subject to subparagraph (B), the 4-year adjusted cohort graduation rate calculated and reported in accordance with this section for the first school year that begins after the date of enactment of the Every Student Counts Act shall serve as the baseline 4-year adjusted cohort graduation rate and the cumulative graduation rate calculated and reported in accordance with this section for such first school year shall serve as the baseline cumulative graduation rate.

''(ii) ANNUAL GROWTH.—Each school year after the baseline year described in clause (i), 4-year adjusted cohort graduation rates and cumulative graduation rates calculated at the school, local educational agency, and State levels in the aggregate and disaggregated by each subgroup described in subsection (b)(2) shall be evaluated for annual growth in accordance with subparagraph (C).

''(B) BASELINE ADJUSTMENT.—In the case of a State that uses an interim graduation rate, after the State has implemented an individual student identifier longitudinal data system and can calculate the 4-year adjusted cohort graduation rate and the cumulative graduation rate, but not later than the 2013–2014 school year, the State shall use the cumulative graduation rate as the baseline graduation rate for reporting and accountability under this section.

''(C) ANNUAL GROWTH.—

''(i) IN GENERAL.—In order for a State, local educational agency, or school to make adequate yearly progress under section 1111(b)(2), the State, local educational agency, or school, respectively, shall demonstrate increases in the 4-year adjusted cohort graduation rate from the baseline 4 year adjusted cohort graduation rate or increases in the cumulative graduation rate from the baseline cumulative graduation rate, in the aggregate and for each subgroup described in subsection (b)(2), by an average of 3 percentage points per school year, until the 4-year adjusted cohort graduation rate or the cumulative graduation rate, in the aggregate and for each such subgroup, equals or exceeds 90 percent.

''(ii) AYP NOT MADE.—A secondary school shall not be considered to have made adequate yearly progress under section 1111(b)(2) if—

''(I) the school's 4-year adjusted cohort graduation rate, in the aggregate or for any subgroup described in subsection (b)(2), falls below the initial baseline 4-year adjusted cohort over a 4-year period; or

''(II) fewer than 90 percent of the students included in the cumulative graduation rate, in the aggregate or for any subgroup described in subsection (b)(2), are students who graduate from secondary school in 4 years.

''(iii) ALTERNATIVE 4-YEAR COMPLETION REQUIREMENT.—Notwithstanding clause (ii), a secondary school or secondary school educational program that is an alternative education setting may apply to the State for a waiver of the requirement in clause (ii) that at least 90 percent of the students included

in the cumulative graduation rate, in the aggregate or for any subgroup described in subsection (b)(2), are students who graduate from secondary school in 4 years if—

''(I) the secondary school or educational program submits to the State—

''(aa) a description of the secondary school or educational program; and

''(bb) an alternative 4-year completion requirement; and

''(II) the State approves the use of the alternative 4-year completion requirement for such purposes.

''(5) DELAYED APPLICABILITY TO SCHOOLS.—Paragraphs (2), (3), and (4)(C) shall not apply to a secondary school until the beginning of school year 2012–2013 or, in the case of a State using an interim rate, shall not apply to a secondary school until the first school year after such State adjusts its baseline graduation rate as described in paragraph (4)(B).

''(d) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of the Every Student Counts Act, and annually thereafter, each State educational agency that receives assistance under this part shall submit to the Secretary, and make publicly available, a report on the implementation of this section. Such report shall include—

''(1) a description of each category, code, exit code, and the corresponding definition that the State has authorized for identifying, tracking, calculating, and publicly reporting student status;

''(2) if using an interim graduation rate pursuant to subsection (b)(5), a description of the efforts of the State to implement the 4-year adjusted cohort graduation rate and the cumulative graduation rate and the expected date of implementation, which date shall be not later than the school year 2013–2014; and

''(3) a description of waivers granted in the State under subsection (c)(4)(C)(iii), which shall include—

''(A) the total number of waivers granted in the State under subsection (c)(4)(C)(iii);

''(B) a description of each waiver granted;

''(C) the number of students who are enrolled in secondary schools or secondary school education programs receiving such waivers; and

''(D) the cumulative graduation rates of the secondary schools or secondary school education programs receiving such waivers.''

SEC. 5. AYP CONFORMING AMENDMENTS.

Section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)) is amended—

(1) in clause (vi), by striking ''and'' after the semicolon;

(2) in clause (vii), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(viii) complies with the requirements of section 1111A.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 135—REMEMBERING THE 1 YEAR ANNIVERSARY OF THE APRIL 10, 2010, PLANE CRASH THAT CLAIMED THE LIVES OF THE PRESIDENT OF POLAND LECH KACZYNSKI, HIS WIFE, AND 94 OTHERS, WHILE THEY WERE EN ROUTE TO MEMORIALIZE THOSE POLISH OFFICERS, OFFICIALS, AND CIVILIANS WHO WERE MASSACRED BY THE SOVIET UNION IN 1940

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 135

Whereas on April 10, 2010, the President of the Republic of Poland Lech Kaczynski, his wife Maria, and a cadre of current and former Polish statesmen, military officers, family members, and others departed Warsaw by plane to travel to the Russian region of Smolensk;

Whereas the purpose of the delegation's visit was to hold a ceremony in solemn remembrance of the more than 22,000 Polish military officers, police officers, judges, other government officials, and civilians who were executed by the Soviet secret police, the ''NKVD'', between April 3 and the end of May 1940;

Whereas more than 14,500 Polish victims of such executions have been documented at 3 sites in Katyn (in present day Belarus), in Miednoye (in present day Russia), and in Kharkiv (in present day Ukraine), while the remains of an estimated 7,000 such Polish victims have yet to be precisely located;

Whereas the plane carrying the Polish delegation on April 10, 2010, crashed in Smolensk, tragically killing all 96 persons on board;

Whereas Poland has been a leading member of the transatlantic community and the North Atlantic Treaty Organization (NATO), an Alliance vital to the interests of the United States, and Poland's membership in the Alliance has strengthened NATO;

Whereas the Polish armed forces have stood shoulder-to-shoulder and sacrificed with airmen, marines, sailors, and soldiers of the United States in Iraq, Afghanistan, the Balkans, and around the world;

Whereas Poland has been a leader in the promotion of human rights, not just in Central Europe, but elsewhere around the world; and

Whereas the deep friendship between the governments and people of Poland and the United States is grounded in our mutual respect, shared values, and common priorities on nuclear nonproliferation, counterterrorism, human rights, regional cooperation in Eastern Europe, democratization, and international development: Now, therefore, be it

Resolved, That the Senate—

(1) remembers the terrible tragedy that took place on April 10, 2010, when an aircraft carrying a delegation of current and former Polish officials, family members, and others crashed en route from Warsaw to Smolensk to memorialize the 1940 Katyn massacres, killing all 96 passengers;

(2) honors the memories of all Poles executed by the NKVD at Katyn, Miednoye, Khakriv, and elsewhere and those who perished in the April 10, 2010, plane crash;

(3) expresses continuing sympathy for the surviving family members of those who perished in the tragic plane crash of April 10, 2010;

(4) recognizes and respects the resilience of Poland's constitution, as demonstrated by the smooth and stable transfer of constitutional authority that occurred in the immediate aftermath of the April 10, 2010, tragedy; and

(5) requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the Ambassador of Poland to the United States.

SENATE RESOLUTION 136—TO AUTHORIZE DOCUMENT PRODUCTION IN UNITED STATES V. DOUGLAS D. HAMPTON (D.D.C.)

Mr. REID of Nevada (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 136

Whereas, in the case of *United States* v. *Douglas D. Hampton*, Crim. No. 11–085 (D.D.C.), pending in the United States District Court for the District of Columbia, documents that have been produced to the United States Department of Justice by offices of the Senate in earlier related proceedings may be needed for use in this proceeding;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that records that have been produced by offices of the Senate in connection with investigation by the Department of Justice are authorized to be used in the case of *United States* v. *Douglas D. Hampton* and any related proceedings.

SENATE RESOLUTION 137—SUPPORTING THE GOALS AND IDEALS OF TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Mr. BURR (for himself, Ms. LANDRIEU, Mrs. HUTCHISON, and Mrs. HAGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 137

Whereas the Take Our Daughters To Work Day program was created in New York City as a response to research that showed that, by the 8th grade, many girls were dropping out of school, had low self-esteem, and lacked confidence;

Whereas, in 2003, the name of the program was changed to ''Take Our Daughters and Sons To Work Day'' so that boys who face many of the same challenges as girls could also be involved in the program;

Whereas the mission of the program, to develop ''innovative strategies that empower girls and boys to overcome societal barriers to reach their full potential'', now fully reflects the addition of boys;

Whereas the Take Our Daughters and Sons To Work Foundation, a nonprofit organization, has grown to become 1 of the largest public awareness campaigns, with more than 33,000,000 participants annually in more than 3,000,000 organizations and workplaces in every State;

Whereas, in 2007, the Take Our Daughters To Work program transitioned to Elizabeth City, North Carolina, became known as the Take Our Daughters and Sons To Work Foundation, and received national recognition for the dedication of the Foundation to future generations;

Whereas every year, mayors, governors, and other private and public officials sign proclamations and lend their support to Take Our Daughters and Sons To Work;

Whereas the fame of the Take Our Daughters and Sons To Work program has spread overseas, with requests and inquiries being made from around the world on how to operate the program;

Whereas Take Our Daughters and Sons to Work Day will be observed on Thursday, April 28, 2011; and

Whereas Take Our Daughters and Sons To Work is intended to continue helping millions of girls and boys on an annual basis