

departure from the standard laws, and consequent bureaucracy, applicable to tribal contracts.

That law was a step in the right direction. However, these agreements have not been utilized to the extent that they could be, primarily because the implementation of the act has been made more complex than it should be.

It is past time we make key improvements to the law so that Indian tribes can take advantage of these agreements and significantly reduce bureaucratic burdens to energy development. Years of consultation and outreach to Indian tribes have produced targeted solutions to address the concerns about the process for entering these agreements. The bill that I am introducing today would streamline the process for approving the tribal energy resource agreements and make it more predictable for Indian tribes.

I would like to highlight some of the key provisions in this bill. This bill includes a number of amendments to improve the review and approval process for the tribal energy resource agreements. For example, the bill provides clarity regarding the specific information required for tribal applications for these agreements.

In addition, the bill sets forth specific time frames for Secretarial determinations on the agreement applications. Moreover, if an application is disapproved, this bill would require the Secretary of the Interior to provide detailed explanations to the Indian tribe and steps for addressing the reasons for disapproval.

The bill has various provisions that would improve technical assistance and consultation with Indian tribes during their energy planning and development stages. It also includes an amendment to the Federal Power Act that would put Indian tribes on a similar footing with States and municipalities for preferences when preliminary permits or original licenses for hydroelectric projects are issued.

Additionally, this bill would allow Indian tribes and third parties to perform appraisals to help expedite the Secretary's approval process for tribal agreements for mineral resource development.

My bill does not focus on only traditional resource development, but includes renewal resource development components as well. For example, the bill would create tribal biomass demonstration projects to provide Indian tribes with more reliable and potentially long-term supplies of woody biomass materials.

This bill is intended to provide Indian tribes with the tools to develop and use energy more efficiently. In passing this bill, Congress will enhance the ability of Indian tribes to exercise self-determination over the development of energy resources located on tribal lands, thereby improving the lives and economic well-being of Native Americans.

Before I conclude, I would like to thank Senators TESTER, MCCAIN,

HOEVEN, ENZI, and FISCHER for joining me in cosponsoring this bipartisan bill. I urge my colleagues to join me in advancing this bill expeditiously.

### IT'S TIME TO FIX NO CHILD LEFT BEHIND

Mr. ALEXANDER. Mr. President, I ask unanimous consent that a copy of my remarks at yesterday's Senate Health, Education, Labor and Pensions Committee hearing be printed in the RECORD.

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

#### IT'S TIME TO FIX NO CHILD LEFT BEHIND

Since this is the first hearing of the committee in this 114th Congress, I have some preliminary remarks.

This committee touches almost every American.

No committee is more ideologically diverse and none is more productive. In the last Congress, 25 bills passed out of this committee became laws.

That's because we worked with Chairman Harkin on areas of agreement.

I look forward to working in the same way with Ranking Member Murray in this Congress. She is direct, well-respected, she cares about people and is results-oriented.

We are going to have an open process, which means we're going to have a full opportunity for discussion and for amendments. Not just in the committee, but on the floor. In the last two congresses, we reported a bill, but it didn't make it to the floor.

This congress, we hope to have a bipartisan bill coming out of committee—but even if we don't, the bill will go to the floor and it will have to get 60 votes on the floor, 60 votes to go to conference, 60 votes to get out of conference, and then the president will have his say. We hope to get his signature and get a result.

Next, the schedule:

Let me start with some unfinished business:

Fixing NCLB: This is way overdue, it expired more than 7 years ago. We posted a working draft on the website last week, already feedback is coming in—not just from Congress but from around the country. We have several more weeks of hearings and meetings. We hope to have a bill ready for floor by end of February. The House expects to have its bill on the floor by the end of February.

Reauthorizing the Higher Education Act: This is, for me, about deregulating higher education making rules simpler and more effective. Also, finishing the work we did on student loans in the last congress. Our first hearing on the deregulation task force formed by Senators Mikulski, Burr, and Bennett and me is on Tuesday, February 24.

As rapidly and responsibly as we can, we want to repair the damage of Obamacare and provide more Americans with health insurance that fits their budgets. Our first hearing is tomorrow on the 30 to 40 hour work-week—the bill introduced by Senators Collins, Donnelly, Murkowski and Manchin. We will report our opinions to the Finance committee.

Then, some new business:

Let's call it 21st Century Cures—that's what the House calls it, as it finishes its work this spring. The president is also interested. What we're talking about is getting to market more rapidly, while still safe, medicines, treatments and medical devices. There is a lot of interest in this and we'll start staff working groups soon.

There will be more in labor, pensions, education, health but those are major priorities and that is how we start.

The president has also made major proposals on early childhood education and community college. These are certainly relevant to K-12, but we've always dealt with them separately. It's difficult for me to see how we make these issues part of this reauthorization.

Now to today's hearing: Last week Secretary Duncan called for law to be fixed. Almost everyone seems to agree with that—it's more than 7 years overdue.

We've been working on it for more than 6 years. When we started, former Rep. George Miller said, Pass a lean bill to fix No Child Left Behind, and we identified a small number of problems.

Since then, we've had 24 hearings, and in each of the last two Congresses we've reported bills out of committee.

Senators should know issues by now, 20 of 22 were here in the last congress, 16 of 22 were here in the previous congress.

One reason it needs to be fixed is that NCLB has become unworkable.

Under its original provisions, almost all of America's 100,000 public schools would be labeled a "failing school."

To avoid this unintended result, the U. S. Secretary of Education has granted waivers from the law's provisions to 43 states—including Washington, which has since had its waiver revoked—as well as the District of Columbia and Puerto Rico.

This has created a second unintended result, at least unintended by Congress, which stated in law that no federal official should "exercise any direction, supervision or control over curriculum, program or instruction or administration of any educational institution."

Nevertheless, in exchange for the waivers, the Secretary has told states what their academic standards should be, how states should measure the progress of students toward those standards, what constitutes failure for schools and what the consequences of failure are, how to fix low-performing schools, and how to evaluate teachers. The Department has become, in effect, a national school board. Or, as one teacher told me, it has become a national Human Resources Department for 100,000 public schools.

At the center of the debate about how to fix No Child Left Behind is what to do about the federal requirement that states annually administer 17 standardized tests with high-stakes consequences. Educators call this an accountability system.

Are there too many tests? Are they the right tests? Are the stakes for failing them too high? What should Washington, D.C. have to do with all this?

Many states and school districts require schools to administer additional tests.

This is called a hearing for a reason. I have come to listen.

The Chairman's staff discussion draft I have circulated includes two options on testing:

Option 1 gives flexibility to the states to decide what to do on testing.

Option 2 maintains current law testing requirements.

Both options would continue to require annual reporting of student achievement, disaggregated by subgroups of children.

Washington sometimes forgets—but governors never do—that the federal government has limited involvement in elementary and secondary education, contributing only 10 percent of the money that public schools receive.

For 30 years the real action has been in the states.

I have seen this first hand.

I was Governor in 1983 when President Reagan's Education Secretary, Terrell Bell, issued a report called: "A Nation at Risk," which said that: "If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war."

The next year Tennessee became the first state to pay teachers more for teaching well.

In 1985 and 1986, every Governor spent an entire year focused on improving schools the first time in the history of the National Governors Association that it happened. I was chairman of the association that year and the Governor of Arkansas, Bill Clinton, was the vice chairman.

In 1989, the first President Bush held a national meeting of Governors in Charlottesville, Virginia, and established national education goals.

Then in 1991–1992, President Bush announced America 2000 to help move the nation voluntarily toward those goals, state by state, community by community. I was the Education Secretary at that time.

Since then states have worked together voluntarily to develop academic standards, develop tests, to create their own accountability systems, find fair ways to evaluate teacher performance—and then adopted those that fit their states.

I know members of this committee must be tired of hearing me talk until I am blue in the face about a "national school board." I know it is tempting to try to fix classrooms from Washington. I also hear from governors and school superintendents who say that if "Washington doesn't make us do it, the teachers unions and opponents from the right will make it impossible to have higher standards and better teachers."

And I understand that there can be short term gains from Washington's orders—but my experience is that long term success can't come that way. In fact, today Washington's involvement, in effect mandating Common Core and teacher evaluation, is creating a backlash, making it harder for states to set higher standards and evaluate teaching.

As one former Democratic governor told me recently, "We were doing pretty well until Washington got involved. If they will get out of the way we can get back on track."

So rather than turn blue in the face one more time about the national school board let me conclude with the remarks of Carol Burris, New York's High School principal of the Year. She responded last week to our committee working draft this way:

... I ask that your committee remember that the American public school system was built on the belief that local communities cherish their children and have the right and responsibility, within sensible limits, to determine how they are schooled.

While the federal government has a very special role in ensuring that our students do not experience discrimination based on who they are or what their disability might be, Congress is not a National School Board.

Although our locally elected school boards may not be perfect, they represent one of the purest forms of democracy that we have. Bad ideas in the small do damage in the small and are easily corrected. Bad ideas at the federal level result in massive failure and are harder to fix.

Please understand that I do not dismiss the need to hold schools accountable. The use and disaggregation of data has been an important tool that I use regularly as a principal to improve my own school. However, the unintended, negative consequences that have arisen from mandated, annual testing and its high stakes uses have proven testing not only to be an ineffective tool, but a destructive one as well.

## ADDITIONAL STATEMENTS

### TRIBUTE TO BISHOP CHAD W. ZIELINSKI

• Ms. MURKOWSKI. In November, Father Chad Zielinski, the deputy wing chaplain at Eielson Air Force Base near Fairbanks, received what he regarded as an odd early morning telephone call. The call came from the Apostolic Nuncio, the Vatican's ambassador to the United States. The Nuncio informed Father Zielinski that he had been selected by Pope Francis to serve as the Catholic bishop of Fairbanks.

His immediate reaction: This makes no sense; how can this be? There must be some mistake. But there was no mistake. In December, Bishop Zielinski was ordained and installed to lead the Diocese of Fairbanks. The Catholic Anchorage newspaper reports that Bishop Zielinski is the first active duty military chaplain in recent history to shepherd a diocese. At age 50 he is also the 11th youngest of the 267 active U.S. Catholic bishops.

The selection was met with great enthusiasm throughout interior Alaska and especially in our military community. Before being called to the priesthood, Bishop Zielinski served on active duty in the Air Force. He was ordained a priest for the Catholic Diocese of Gaylord, MI, in 1996. But after the events of September 11 he saw a need for Catholic chaplains in the military and rejoined the Air Force.

His Air Force career was varied. Bishop Zielinski served as Roman Catholic cadet chaplain at the Air Force Academy in Colorado Springs and as a chaplain recruiter assigned to the Air Force Recruiting Service. He also served at Grand Forks Air Force Base in North Dakota and at RAF Mildenhall in Suffolk, England.

And he served three tours of duty in Iraq and Afghanistan—his first in Baghdad in 2003 and his last in Afghanistan where he served 18 forward combat positions, where religious services were punctuated by the sound of live gun fire. On one sad day, the convoy in which he was traveling was hit by a rocket, killing one of the drivers, who also happened to be a parishioner. That day ended with the bishop conducting a funeral. Needless to say, Bishop Zielinski was regarded as an exemplary chaplain and I have no doubt that he will be an exemplary bishop.

The Diocese of Fairbanks, the most northern and geographically diverse in the United States, covers some 410,000 square miles. It holds 46 parishes, most of which are in the Alaska Native villages. I am excited about Bishop Zielinski's elevation and I look forward to working closely with him in his new and important role as a leader in our faith community. •

### TRIBUTE TO FATHER FERNANDO "FRED" BUGARIN

• Ms. MURKOWSKI. On January 25, 1975, Father Fred Bugarin was ordained

as a priest in the Archdiocese of Anchorage by Archbishop Joseph T. Ryan. This week marks the 40th anniversary of Father Fred's ordination. On Saturday evening, friends of Father Fred will gather in St. Anthony's parish hall to celebrate his 40 years of faith and service. I join with the Anchorage community in expressing my appreciation to Father Fred for his good works.

Father Fred was born in the Philippines and migrated to Anchorage with his family in 1963. He was age 14 at the time. He graduated from West High School in 1967 and went on to study humanities and theology at the University of Dallas/Holy Trinity Seminary. Following his ordination, Father Fred was assigned to St. Benedict's parish as an assistant pastor. In 1978 he was selected as the first resident pastor of Sacred Heart parish in Wasilla and served there until 1981. He was subsequently promoted to direct the permanent diaconate and ministries program for the archdiocese.

Five years later, while on sabbatical, Father Fred set out on a new direction—to reconnect with his roots in the Philippines and enrolled at the East Asian Pastoral Institute in Manila where he became immersed in East Asian thought and culture. Father Fred signed up for the Maryknoll Associate Priests Program and upon completion of the training he was sent off to Mindanao in the southern Philippines. Father Fred had much to learn. He grew up in the northern Philippines and the language and culture of the southern Philippines was much different. Yet he was determined to connect with the people he served no matter how steep the learning curve. It was the right fit—a 5-year contract turned into an 8-year experience. What was to have been a short sabbatical turned into a life changing event.

Upon his return to the United States, the Archdiocese of Anchorage assigned Father Fred to Kodiak Island, a diverse community with an economy revolving around the fishing industry. Blue collar workers, mainly from the canneries, made up the bulk of the parish. During fishing season the population includes Filipinos, Salvadorans, Mexicans, Vietnamese, Samoans and Laotians among others. Father Fred regarded Kodiak as a laboratory for incorporating what he learned through his work in the Philippines.

After 5 years in Kodiak, Father Fred was reassigned to St. Anthony's parish where he remains today. He is known throughout Alaska for his work in building inclusive parishes and is active in interreligious activities in Anchorage. Since 2003, Father Fred has been involved with Alaska Faith and Action Congregations Together, has taught foundations of Christianity at Alaska Pacific University and has facilitated fatherhood workshops for the Alaska native community. In 2011, Father Fred was awarded the doctor of ministry degree from the Pacific School of Religion in Berkeley, CA.