

legislation that will hopefully help improve the results for 50 million children—I am glad we will be bringing another tried-and-true example of what has happened at the State level to the national level.

I was happy to cosponsor with the senior Senator from Virginia an amendment which takes into account the commonsense purpose of encouraging the States to conduct efficiency reviews of school districts and campuses to make sure Federal dollars delivered to each classroom are spent as cost-effectively as possible. This amendment builds on an incredibly successful program in Texas—one that brings greater accountability to our schools and helps them discern how they can make each dollar go just a little bit further. This program is called the Financial Allocation Study for Texas, or FAST. It was developed by the Texas comptroller, Susan Combs—the immediate past comptroller of the State of Texas—to evaluate the operational efficiency of the school districts and campuses across our State. To do that, the comptroller uses data about school finances, school demographics, and academic performance from each school and campus around the State to help measure academic achievement relative to spending.

There is a broadly held fallacy that the quality of educational outputs is equal to how much money we put into it. In other words, if we want a better product—education—all we have to do is spend more money. I would say that is demonstrably false. There are many of our parochial schools that do an outstanding job of educating their students at a fraction of what our public schools do. So I think it is a fallacy to say that if we want more or better education, all we have to do is spend more money. There is a smarter, more efficient way to deal with that, and that is what the financial allocation study is designed to achieve—to measure academic achievement relative to spending.

As the senior Senator from Virginia explained earlier, this successful Texas model of a fiscally responsible education system caught his eye when he was Governor of Virginia, and fortunately he then implemented a similar program. In Virginia, the savings came from commonsense recommendations—again, as we did in Texas—things such as introducing software programs to improve bus routes, enhancing methods of facilities management, and encouraging best practices in hiring and personnel management.

While more States have adopted similar programs, these money-saving opportunities should be available to all school districts nationwide. So now, with the adoption of this amendment just yesterday and with the eventual passage of the Every Child Achieves Act, we can make sure school districts all across the country are using their dollars for what they are really intended—classroom education—not stuck in the back office bureaucracy.

As many of us have already mentioned, the underlying legislation, the Every Child Achieves Act, is really about putting the responsibility for our children's education back in the hands of parents, local school districts, and teachers—the people who are actually closer to the issue, closer to the problems, and the ones who perhaps know more than any bureaucrat in Washington could ever hope to know about what actually works at the local level. It is also about flexibility, meaning it is up to individual States, not just the Federal Government, to determine how to achieve the best outcome for all of our students. Importantly, I should add, that flexibility translates into greater options for schools across the country by giving States additional freedom to create and replicate high-quality charter schools, for example, and giving more parents more choices, as I said, for their children's education.

I am very proud of the good progress we have made across a number of issues this year so far—passing the anti-human trafficking laws and finally cracking the code on how we pay physicians under Medicare adequately rather than temporarily patching that problem, as we have for so many years. We passed a budget for the first time since 2009 that balances in 10 years. And, yes, we worked with the President of the United States on a bipartisan basis to pass trade promotion authority. Next week, we will conclude this Every Child Achieves Act by reforming our early and elementary childhood education system to get more of the power, to get more of the authority out of Washington and back to parents, teachers, and the States, where it really belongs.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

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

#### EVERY CHILD ACHIEVES ACT

Mr. FRANKEN. Mr. President, we have been living under No Child Left Behind, or NCLB, for 13 years. During that time, we have learned a lot about how NCLB works and a lot more about what doesn't work. Students, teachers, and parents across the country have been waiting a long time for us to fix this law.

As a member of the Senate Health, Education, Labor and Pensions Committee, I am proud to have worked on the legislation before us today and to have helped to get it this far. The Every Child Achieves Act of 2015 builds a strong bipartisan foundation to reform our national education system, and I thank Chairman LAMAR ALEXANDER and Ranking Member PATTY MURRAY for their leadership on this bill.

Over the last 6 years, I have met with principals and teachers, students, par-

ents, and school administrators in Minnesota. These conversations have helped me to develop my educational priorities to help improve our schools, our communities, and our Nation's future. I worked with colleagues on both sides of the aisle, including the esteemed Presiding Officer, to find common ground, and I am very pleased that many of my priorities to improve student outcomes and close the achievement gap are reflected in the legislation that is before us today.

During my conversations with parents and students, I often speak about children's mental health. At Mounds View school district in Minnesota, I met a single mother named Katie Johnson. She told me about her son, a 9-year-old boy whose behavior she just wasn't able to control. Because this school had a system in place—a mental health model in place—they were able to identify that he might have some mental health problems and get him access to community mental health services. He was diagnosed with ADHD and Asperger's. He was able to get the treatment he needed, and it turned him around. Katie told me that her son is now doing well in school and he had taken up Tae Kwon Do. Katie told me that her life had been out of control when she couldn't control her child. But she pointed to herself—and I will never forget this—she pointed to herself and said: "Now I am bulletproof. I can do anything."

Well, I said, let's do this. So I came here and introduced the Mental Health in Schools Act, and I am proud that over the last couple of years we have gotten \$100-plus million extra through the appropriations process for programs like the one in that bill.

I have worked hard to get provisions based on my Mental Health in Schools Act into the bill before us today. My provisions will allow schools that want to work with community-based mental health organizations and mental health providers to use Federal education funding to provide mental health screening, treatment, and referral services to their students by equipping school staff with the training and tools to identify what it looks like when a kid has a mental illness. Every adult in this school, from the lunch lady to the principal, from the schoolbus driver to the teacher, was trained to see what it looked like when a kid might have a serious mental health issue, and then they would refer to the professional in the school, the counselor or school psychologist.

One of the most common features of successful schools in disadvantaged communities is the presence of an effective school principal. This should come as no surprise. It is a matter of common sense to expect that a successful school or any successful organization would have a strong leader. Research shows that school leadership is one of the most critical components of

improving student learning. Yet, despite its importance, the Federal Government has not devoted adequate attention or resources to improving the quality of principals in high-need schools. That is why I made sure that there is dedicated funding written into the base bill to create a pipeline of effective principals for high-need schools.

I had a roundtable a number of years ago. The roundtable was with principals from around the Twin Cities. A school had been turned around by a great principal. We started talking about testing. One of the principals referred to the NCLB test as “autopsies.” I knew immediately what he meant. Schools had to administer an NCLB test toward the end of the year—toward the end of April—and the school and the teachers didn’t get the results until late June, when the kids were out of school. So the teachers couldn’t use the results of the tests to inform the instruction of their kids. I found out that was why in Minnesota schools were administering other tests in addition to the NCLB test. On top of that, they were giving computer adaptive tests. What are computer adaptive tests? Well, they are computers—meaning the teacher gets the results right away, so he or she can use the results of that test to inform the instruction of each child. They are adaptive, which means that if a child is getting everything right, the questions get harder; if they are getting things wrong, the questions get easier. This is much more descriptive of where the child is and you can pinpoint this. This informs the instruction.

These kinds of tests were not allowed in the original NCLB because they said that all tests had to be standardized—standardized, meaning having the same test for each child—but you get a much better assessment with computer adaptive tests. That is why I wrote an amendment with Senator JOHNNY ISAKSON of Georgia into the Every Child Achieves Act to allow States to use computer adaptive tests. Teachers will now be able to create lesson plans based on how each student performs, starting the next day. They use computer tests to more accurately measure student growth, which is something I believe in—measuring growth and not judging whether a kid meets or what percentage of kids meet some arbitrary performance standard or proficiency standard but instead whether the school is helping every kid grow.

The only thing I liked about No Child Left Behind was the name. Yet, every teacher started teaching to the middle—teaching to the kids who are just below or just above that artificial line of proficiency. That was a perverse incentive not to focus on the kid above the line or below the line. Every child achieves. That is what we are going for.

This amendment will go a long way toward improving the quality of assessments used in our schools and will give

teachers and parents more accurate and timely information about how their kid is growing.

Another issue I hear about as I travel around Minnesota—this time from businesses—is that students graduating from our schools aren’t ready to take on the jobs that are waiting for them. This is called the skills gap. It isn’t just a problem in Minnesota; I would say it is a problem in every State. We have jobs now that are going unfilled because our graduates lack science, technology, engineering, and math, or STEM, skills. In fact, by 2018 Minnesota employers will have to fill over 180,000 STEM-related jobs.

So I wrote an amendment to provide funding to support partnerships between local schools, businesses, universities, and nonprofit organizations to improve student learning in STEM subjects. My amendment says that each State can choose how to spend and prioritize these funds, which can support a wide range of STEM activities, from in-depth teacher training, to engineering design competitions, to improving the diversity of the STEM workforce.

States can also use these funds to create a STEM Master Teacher Corps, which is based on my legislation called the STEM Master Teacher Corps. This will offer career-advancement opportunities and extra pay to exceptional STEM teachers and help them serve as mentors to less-accomplished teachers.

Today, it is getting harder and harder for students to pay for college. That is why the Presiding Officer, the good Senator from Louisiana, and I worked—and the way the cameras work, you can’t see the Presiding Officer because I am talking; it is BILL CASSIDY of Louisiana—we worked together to help reduce the cost of college while kids are still in high school.

Our amendment provides funds to cover the costs of advanced placement and international baccalaureate exam fees for low-income students. When I did college affordability roundtables, I found students who had taken an AP course but were afraid to spend the money for the test in case they did not get the 3, 4 or 5, which gave them a credit. So this will help those students do that.

Our amendment also includes dual enrollment programs and early college high schools. In Minnesota, we call them postsecondary educational opportunities. These are two other models that help students earn college credit while in high school, and by participating and succeeding in these programs, students can save a lot of money toward college by getting college credits.

The academic programs I have mentioned are critical to our children’s success in school, but many kids also need additional support to help them succeed in school. For example, school counselors respond to a wide range of student needs, from dealing with the aftermath of traumatic events to

school bullying, to the college admissions process and career advising. But we have a shortage of school counselors in this country.

Unfortunately, the ability of school counseling professionals to assess students is often hindered by a high student-to-counselor ratio, often two or three times the recommended amount. In Minnesota, we have 1 counselor for every 700 students. That is unacceptable. So I wrote a provision that addresses this critical need by authorizing the Elementary and Secondary School Counseling Program in the Every Child Achieves legislation.

Federal grants like this one will help States and districts address these high ratios between students and counselors and bring more trained professionals into schools. Another critical support for students is afterschool programs. Senator LISA MURKOWSKI from Alaska and I worked on an amendment together to fund 21st Century Community Learning Centers because these afterschool programs play a critical role in increasing student achievement, keeping students safe, and helping out working families.

There are over 100 21st Century Community Learning Centers across my State of Minnesota, and these centers provide high-quality afterschool activities to help address the physical, social, emotional, and academic needs of the students they serve. Senator MURKOWSKI and I worked on another amendment to help American Indian students. Our amendment would fund Native language immersion programs throughout Indian Country because language is critical to maintaining cultural heritage. Native students who are enrolled in language immersion programs have higher levels of student achievement, high school graduation rates, and college attendance rates than their Native American peers in traditional English-based schools.

Again, I am very pleased that with the help of my colleagues, I was able to include all of these amendments in the legislation we are considering today. These provisions will help hundreds of thousands of students throughout the country reach their full potential.

Lastly, I would like to speak in support of Senator PATTY MURRAY’s and Senator JOHNNY ISAKSON’s early learning amendment that was included in the bill and Senator BOB CASEY’s floor amendment called strong start for America, which also expands access to early childhood education. This is so important. The achievement gap between disadvantaged students and their peers is evident before they enter kindergarten.

Early childhood programs can help narrow this gap. In fact, high-quality early childhood education programs not only help prepare our children for school, study after study shows there is a tremendous return on investment in high-quality early childhood education, ranging from \$7 to \$16 for every \$1 spent. Kids who attend a high-quality early childhood program are less

likely to be special ed kids or to need special education programs, less likely to be held back a grade. They have better health outcomes, the girls are less likely to get pregnant in adolescence, they are more likely to graduate high school, more likely to go to college and graduate from college and have a good job and pay taxes, and much less likely to go to prison.

I have been a big supporter of investing in early childhood programs for years because it is simply just common sense to do. That is why I support Senator CASEY's amendment. More generally, No Child Left Behind is long overdue for the right kind of reform. With the leadership of Chairman ALEXANDER and Ranking Member MURRAY, my colleagues and I on the HELP Committee have worked hard to incorporate the lessons we have learned from teachers, students, parents, and school administrators and put them into this legislation.

We have made tremendous progress on this bill, but we still have some work to do before it becomes law. We need to close the achievement gaps in this country. That means we should expect States to focus on all of their students, including low-income and minority students. At its core, the Elementary and Secondary Education Act, passed first in 1965, is a civil rights bill that was intended to improve equality and expand opportunity for disadvantaged students.

So I look forward to continuing to work with my colleagues to strengthen the accountability provisions in this bill. I urge my colleagues to support the Every Child Achieves Act of 2015 so we can keep working to support all of our Nation's students.

Finally, I want to flag something that is very important to me. I have a pending amendment to Every Child Achieves that I care an enormous amount about, the Student Non-discrimination Act, which will give LGBT—lesbian, gay, bisexual, and transgender students the protection they need and deserve in school. I will come back to the floor to discuss that amendment at length.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

#### OBAMACARE

MR. HATCH. Mr. President, I rise to talk about an issue that will have serious negative consequences on the lives and the livelihoods of millions of Americans and threaten our already muddled and beleaguered health care system. Ever since the partisan and rushed passage of the so-called Affordable Care Act, I have come to the floor dozens of times to shine a light on the problems associated with this law and to call for a swift repeal and replacement.

I have not been alone. Many of my colleagues have been working to make this case as well. Truth be told, this

has not been an altogether difficult case to make. Indeed, the data has repeatedly shown that ObamaCare, despite the many claims of its proponents, simply is not working. We have seen more evidence of this in just the past few days. For example, in a recent New York Times article, we all read about the dramatic proposed increases in health insurance premiums due to ObamaCare's expensive mandates and regulations.

Now, many plans are proposing rate increases that average 23 percent in Illinois, 25 percent in North Carolina, 31 percent in Oklahoma, 36 percent in Tennessee, and 54 percent in Minnesota. I don't know about the Presiding Officer, but my constituents find this unnerving. After all, one of the President's chief justifications for his health care law was that it would actually bring down the cost of health care. Once again, we are seeing that this is just another one of the many empty ObamaCare promises.

But even more frightening than these proposed rate increases are the root causes of the increases. In the recent New York Times article, Nathan T. Johns, the chief financial officer of Arches Health Plan, which operates in my home State of Utah, was quoted as saying: "Our enrollees generated 24 percent more claims than we thought they would when we set our 2014 rates."

This, according to Mr. Johns, led to a collection of just under \$40 million in premiums, while the company had to pay out more than \$56 million in claims for 2014. As a result, Arches Health Plan has proposed rate increases averaging 45 percent for 2016 in order to remain viable. Now, I know this was not at all the intention of my Democratic colleagues who voted for this bill, but it is because of this and a myriad of other unintended consequences that ObamaCare has consistently polled below 50 percent approval since the day it was signed into law.

Indeed, according to a compilation by Real Clear Politics, of the 405 polls collected since the law passed in March of 2010, 391 reported a majority of Americans opposing or having negative views toward ObamaCare. Unfortunately, President Obama seems to be disconnected from this reality. In a recent trip to Tennessee, the President called for consumers to put pressure on State insurance regulators to scrutinize the proposed rate increases. He then suggested that if commissioners do their job and actively review the rates, his "expectation is that they'll come in significantly lower than what's being requested."

But as Roy Vaughn, vice president of the Tennessee BlueCross plan stated:

There's not a lot of mystery to it. We lost a significant amount of money in the marketplace, \$141 million, because we were not very accurate in predicting the utilization of health care.

Yet President Obama fails to grasp the simple mathematics of the problem. He is not alone. In response to the

President's call for scrutiny, the Tennessee insurance commissioner was quoted as saying she would ask "hard questions of companies we regulate to protect consumers." Forgive me, but I fail to understand what hard questions there are to ask. If I own a business that takes in \$100 million in revenue but pays out \$120 million in expenses, I will not be solvent for very long.

What is perhaps most disconcerting to me in all of this are the responses these patients get from officials in the Obama administration. For example, in response to concerns about those premium hikes, Health and Human Services Secretary Burwell recently argued that patients should not worry because there are tax subsidies available to help cover the cost. She also said they could simply shop for cheaper plans on the exchanges during the next open enrollment period.

Of course, in a world where insurance plans across the country are requesting rate increases of 26—well, 20, 30, 40, or even 50 percent or more, one has to wonder just how many cheaper plans will be available and how many sacrifices patients will have to make in their care in order to get significant savings. While many seem to believe the Affordable Care Act received a reprieve from the Supreme Court, I think we are actually witnessing a downward spiral of ObamaCare. I cannot help but question what supposed solutions my friends on the other side of the aisle will come up with next.

Anyone who is being honest and who is listening to the American people should recognize that ObamaCare needs to be replaced with real, patient-centered reforms that are designed not to control the marketplace but to actually reduce the costs for hard-working patients and taxpayers. I am a co-author of such a plan, which we have called the Patient CARE Act. This legislative proposal, which I have put forward along with Senator BURR and Chairman FRED UPTON in the House, will reduce the cost of health care in this country without all of the expensive mandates and regulations that are causing these major increases in health insurance premiums.

I have talked about our proposal many times on the floor. I will continue to do so. I know there are other ideas out there, and I think we should consider and evaluate those as well. Put simply, I am willing to work with anyone on either side of the aisle to fix our Nation's health care system and to protect the American people from the negative consequences of this misguided law.

My hope is that more of our colleagues on the other side will eventually see what the majority of the American people have seen for more than 5 years: The problems with ObamaCare are not minor flaws that can be fixed with a little regulatory tinkering. They are fundamental flaws.

The only answer is real reform, which addresses the skyrocketing costs of health care in America.