

aisle, we can continue to advance the Every Child Achieves Act later today and set up final passage soon. That would mean another bipartisan achievement for our country and a long-overdue win for our kids.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### CLIMATE CHANGE

Mr. REID. Mr. President, my heart goes out to the people in Eastern Kentucky, with the devastating floods. The issue before our entire country is that we have storms like this appearing from nowhere, storms like we have never had before. I don't know the history of Kentucky, but I have watched and been briefed on what is going on around the rest of the Nation, and these storms are coming all the time—untoward.

It is too bad that my Republican colleagues have denied climate change. We have to do something, and we have to do something very soon.

There was a meeting a few days ago at the White House where the President announced that with regard to climate change we have to do something now. He said that by the year 2100, scientists say, the seas will have risen 16 feet. What does that mean? It means that much of Florida will be underwater.

We have things happening that have never been recorded before. In the Sierras, some bears are not hibernating. We have an average rainfall and snowpack in upper Colorado, and none of it gets into the river. So I would hope my friends would join with us in doing something positive with regard to climate change.

#### PUBLIC SAFETY AND THE HIGHWAY BILL

Mr. REID. Mr. President, more than 62 million vehicles were recalled last year in our country—twice the previous record. The number of safety complaints to the National Highway Traffic Safety Administration doubled. Over the past year, for example, faulty ignition switches led to the recall of 2.6 million cars. At least 124 people died and almost 300 were injured by this ignition switch problem, which did many different things, one of which was to stall a car in traffic and during the process disable the airbags. The manufacturer was aware of the defect for more than a decade and did nothing about it. Exploding airbags—another problem—claimed the lives of at least 8 people and led to the recall of 34 million vehicles—the largest recall of any consumer product in the United States ever. Once again, it appears the manufacturer knew of the defect years before notifying Federal regulators.

Given the number of recalls, Congress should be investing the resources to improve public safety and give regulators the tools to keep us safe. But it appears Senate Republicans have learned nothing from the many recalls just this year. The Republican highway safety bill, which is being considered in the committee on commerce today, does not increase funding for Federal traffic programs. In fact, it cuts them back. Why? The bill does not provide any new resources to address the record level of safety recalls and consumer complaints. Under the Republican bill that is being considered, automakers that cover up defects will continue to face the same very limited penalties. Their executives will be able to continue to escape accountability.

But that isn't all of it. The highway bill the Republicans are pushing forward is loaded with harmful provisions that roll back efforts to strengthen public safety. The bill would allow 18-year-old young men and women—18 years old—to drive commercial 18-wheelers across State lines. Think about that. Despite studies which show that these young drivers have a fatal crash rate almost 70 percent higher than older drivers, the Republican safety plan would allow these inexperienced teenagers to drive the largest trucks that appear on the road.

If this odyssey of the Republicans in the commerce committee is signed into law, it will lead to more crashes and, sadly, more injuries and more deaths.

Every day, 30 people in our great country are killed by drunk drivers—30 people killed by drunk drivers. I just learned a couple of days ago of a person who worked for me, who was a tremendously great employee of the Senate—their brother-in-law was killed by a drunk driver. It is so sad that we are not doing more to not only stop drunk driving but to punish drunk drivers. The policy Republicans propose today hurts our efforts to combat drunk driving.

Listen to this one. The Republicans' bill would lessen incentives for States that develop programs to prevent people who have been convicted of drunk driving from starting their cars if they have been drinking—for example, just a simple, inexpensive device on a car. If someone has been drinking too much, the car won't start. But Republicans are going to take care of this and get rid of it. No longer will States have the ability to do that. The Federal Government should not be involved in programs like that.

The Republicans' plan also undermines safety measures that protect passengers and trains and, of course, the safety of all of us because of the problems we have with freight trains. There is a program that was designed by science—it has been available for a long time—called positive train control which overrides operator error. A perfect example of this is what happened in Philadelphia. If that had been in effect, that accident would not have oc-

curred. But the Republicans fixed this—they are going to stop the program for 3 years.

Under the present law, these programs had to be implemented by the end of this year—not with the Republicans in the commerce committee, which will be part of any highway bill we have. They will just stop it for 3 years, and that will lead to more deaths, more injuries, and more terror.

I can't understand why the Republicans would propose doing that—delaying the deadline for positive train control by more than 3 years. I said 3 years, but it is actually more than that. There is no reason to roll back deadlines for important safety measures for our passenger trains. Is this the best Republicans can do? I ask that.

For Americans who live near rail lines, trains are increasingly carrying more and more flammable materials—oil, ethanol, and other explosive products. In February of this year, a train carrying oil derailed in West Virginia, sending exploding fireballs into the air and causing large necessary evacuations.

This and other crashes led the Department of Transportation to require the installation of new electronic brakes for any train moving flammable materials. Requiring better brakes when carrying these materials seems like a commonsense safety measure.

What do the Republicans do? Their bill repeals an important freight rail provision, jeopardizing communities across the country with tragic spills. We don't need more accidents. We need fewer accidents. We need to move forward and to continue the minimal programs we have, not roll them back. It is clear the Republicans have not learned anything from the auto recalls or the train crashes. The Senate can do better than adopting the Republican's attack on public safety. If the Republicans choose to put those measures in the highway bill that I am told is coming forward, it will not survive the Senate. We can't have stuff like that. It would be just untoward and wrong.

Mr. President, there is no one on the floor, and I ask that the Chair announce the business of the day.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### EVERY CHILD ACHIEVES ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1177, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1177) to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Pending:

Alexander/Murray amendment No. 2089, in the nature of a substitute.

Murray (for Peters) amendment No. 2095 (to amendment No. 2089), to allow local educational agencies to use parent and family engagement funds for financial literacy activities.

Murray (for Warren/Gardner) amendment No. 2120 (to amendment No. 2089), to amend section 1111(d) of the Elementary and Secondary Education Act of 1965 regarding the cross-tabulation of student data.

Alexander (for Kirk) amendment No. 2161 (to amendment No. 2089), to ensure that States measure and report on indicators of student access to critical educational resources and identify disparities in such resources.

The PRESIDING OFFICER. Under the previous order, the time until 10:30 a.m. will be equally divided in the usual form.

Mr. REID. Mr. President, is the time under this quorum call we will be in equally divided?

The PRESIDING OFFICER. The time is not equally divided.

Mr. REID. Mr. President, I ask unanimous consent that the time be equally divided.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I rise to address an amendment I am proposing to the bill, the Every Child Achieves Act. I am not going to ask to call up the amendment at this time, but I certainly would like to do so at a later point in the day. I hope this amendment will be part of any effort to wrap-up debate on this bill because it addresses an important component that is being left out of discussion on the Every Child Achieves Act.

The Every Child Achieves Act is the authorization act, but it leaves out the vision for school policy. This is a bipartisan bill. It is a bill that would give a lot more flexibility to our States, and it has been an important effort to address many shortcomings in the former act, the No Child Left Behind Act, that in fact left a lot of children behind. In my discussions with educators throughout the State of Oregon, with parents, administrators, and teachers, they found a great number of difficulties and problems with an act that was undermining the success of our public schools, leaving a huge number of children behind, and focusing on what these educators referred to as “the bubble”—that is, those children who are close enough to the testing line to get them over the top, while decreasing attention paid to those children who could already meet the testing line or those they think were not able to get

to that line. That is not a holistic, comprehensive education system addressing the needs of all our children. So I am delighted to see this reform on the floor of the Senate. The focus on assisting every child in achieving is appropriate.

But we cannot achieve a world-class education system that responds to a world knowledge economy, preparing our children to be fully successful members of that world knowledge economy, if we do not provide the resources necessary for our schools to thrive. It strikes me as a real failure of our legislative process that a generation after I went through elementary and secondary education, we are a far richer nation, but our schools have far fewer resources.

My children have been attending public schools in the same blue-collar school district I grew up in. I have a firsthand view of the difference between what the school provided when I was there and what has been provided while my children are there. The short conclusion is that our classrooms are more crowded and our schools are unable to provide the same range of options that benefited my generation.

How is it that we are a much richer nation, but we are undervaluing and underfunding our elementary and secondary education system in this Nation? Well, we can tie that back to a lot that has transpired, including a huge growth in inequality in our Nation. But here is the key point: While we sit here on the floor debating better education policy, shouldn't we also be recognizing explicitly this huge failure to provide basic resources to the elementary and secondary education system?

The funding cuts that are currently anticipated under the sequester would bring Federal investments and programs under the Elementary and Secondary Education Act to their lowest levels since fiscal year 2002. Let me repeat that: the lowest level since fiscal year 2002. Of the lowest achieving 5 percent of schools that receive funds under part A of title I of such act, about two-thirds of students are not meeting their grade-level standards. It is certainly a more difficult task for teachers to enable students to meet those standards when our classrooms are more crowded.

The proposed appropriations act cuts funding for part A of title I of the Elementary and Secondary Education Act of 1965 by \$850 million as compared to the President's budget and the Democratic funding alternative.

The PRESIDING OFFICER. All time for debate has expired.

Mr. MERKLEY. Mr. President, I ask unanimous consent to extend the time allotted to complete my statement.

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

Mr. MERKLEY. Mr. President, research shows that high-quality early education is critical to the educational development of every child. There, too,

we are underfunding the effort. The proposed appropriations act provides no funding for preschool development grants and a cut of \$750 million as compared to the President's budget and the Democratic alternative.

Now, this is happening—this underfunding of education—within the construct known as the sequester. The sequester was partially alleviated 2 years ago by a budget deal known as Ryan-Murray. That Ryan-Murray agreement led to saying that according to the sequester principle defense spending and nondefense spending would be treated equally. If one is capped, the other is capped. If one is raised, the other is raised.

That fundamental understanding led to an improvement over the last 2 years. But that improvement is gone. So at the very moment, we are talking about better education policy, and we are talking about worse education funding. That is simply wrong—wrong for our children, wrong for the next generation and the success of America. So let's embrace that second half of the conversation and through my amendment—amendment No. 2203—call for an intense negotiation to occur, essentially to restore appropriate funding on the nondefense programs.

This is a rational counterpart to the debate over the bill that we have before us right now. It is certainly important for America to recognize that you cannot, on the one hand, call for better education policy and on the other hand devastate the funding for early childhood education and devastate the funding for K-12 education and feel like you have done something to make American education work better, because you have not.

If you have underfunded education, you have undervalued our children, and you have undermined the future success of our Nation. I hope that amendment No. 2203, which calls upon the House and Senate to come together and address this failure of funding, will be a significant part of our conversation as we work to wrap up debate on the Every Child Achieves Act.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senator from Maine be allowed to speak for 5 minutes following my comments.

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

Mr. ALEXANDER. For the information of Senators, within a few minutes we hope to have a cloture vote. We are still working out an agreement, but we hope to have that done within a very few minutes and may begin to move on

that shortly after the Senator from Maine finishes his remarks.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, I ask unanimous consent to address the Senate as in morning business for 5 minutes.

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

#### NUCLEAR AGREEMENT WITH IRAN

Mr. KING. "Fellow-citizens, we cannot escape history. We of this Congress and this administration, will be remembered in spite of ourselves. No personal significance, or insignificance, can spare one or another of us. The fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation." That was Abraham Lincoln in a message to Congress on December 1, 1862. I think his words echo today as we talk about the serious and solemn issues before us and the one that will be coming up within 60 days, the consideration of the agreement with Iran.

We are embarked on a historic process, a process that will result in one of the most important votes that any of us will ever take in this body, a vote that entails risks of war and peace, of life and death, of relationships in the Middle East and throughout the world.

I have been thinking in the last 24 hours about how to approach this decision, and I would like to share that today. This is a solemn responsibility. The first step for this Senator is to read the agreement word for word and to note in the margins the questions, data, and analysis that we think we need in order to make this decision. That is No. 1.

No. 2 is to seek expertise, to reach outside of this body to people in the nuclear field—one literally needs to be a nuclear physicist to understand some parts of this agreement—to arms inspection people, to economists, to foreign policy experts. I hope and expect this will happen in hearings before the Foreign Relations Committee and other committees of this Senate, but it is also incumbent upon us as individuals to reach out and to try to gain as much knowledge and expertise in the facts of this agreement as we possibly can.

Then I think we need to debate—to really debate with the Senators here in the Chamber, face to face. Our legal system is based upon the principle of an adversarial system where truth emerges from the fire of argument. And I believe that is something we owe the American people, not the strange debate we have where one person comes and speaks to an empty Chamber and then another person comes and speaks to an empty Chamber. I think this is an occasion where Senators should confront one another with their best arguments, their best facts, and listen to one another and make their decisions based upon what they learn and what they hear.

Of course, the context of the decision is important. We must consider the al-

ternatives. What happens if we don't accept this agreement? What happens if we do? No agreement like this can be judged solely in isolation; it has to be viewed in terms of what are the alternatives. What if nothing happens? What does Iran do then? What are the relationships in the Middle East? What is Iran's path to a bomb if this agreement is not approved?

Mr. President, I did not plan to come to the floor today, but I am here because I have been shocked and, frankly, surprised at the outpouring of reaction from people who haven't read the agreement, who haven't studied the implications, who haven't gained the facts. To denounce an agreement or a deal before the ink is even dry strikes me as an abdication of our responsibility.

My message today is, let's slow down and take a deep breath. Let's listen to one another. Let's gain the facts.

I have not yet made my decision. And I commend that position to my colleagues. This is too important to become just another political issue. Even though we are headed into a Presidential year, even though there are partisan differences, even though there are differences with this President, this is a historic vote and it is a solemn responsibility. We owe our constituents, we owe the people of our States and America a close reading of the facts, a balanced weighing of the alternatives, and our best judgment. That is what the people of Maine expect of this Senator, and I believe that is what the people of America expect of us.

The Senate has an extraordinary opportunity to regain its place in this country as the world's greatest deliberative body, and that means we have to deliberate and listen and learn the facts, and that is how we should approach this momentous decision.

History will judge us. History will judge us not only on our ultimate decision but how we reached it, how we wrestled with the facts and the alternatives and the consequences, and how we made this decision that will have long-term implications for this country, for the Middle East, for our allies, and for the world.

Mr. President, I have confidence in this institution. I have confidence that we can make this decision in a thoughtful, deliberative, and consciously deliberate way to reach a conclusion that is in the best interests of the people of America.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I ask unanimous consent that, not-

withstanding rule XXII, there be 10 minutes of debate equally divided before the vote to invoke cloture on the Alexander-Murray substitute amendment.

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

Mr. ALEXANDER. Madam President, for the information of Senators, we have an agreement on the amendments to our legislation to fix No Child Left Behind.

The agreement represents all of the amendments that we will be dealing with. The exact time of the final passage will be determined by the Republican and Democratic leaders.

This is how we will proceed. First, we will propose and hopefully adopt by consent a managers' package of 21 amendments. Second, we will lock in an agreement by consent to vote on 24 more amendments. That voting will begin this afternoon, perhaps, at 2:30 p.m. or 3 p.m. There are slightly more Democratic amendments than Republican amendments in that group of 45 amendments.

Following the reading of that, Senator MURRAY and I will each have 3 or 4 minutes of remarks that we would like to make, and then we will have a cloture vote, and that will be all we will do before lunch.

Following lunch, as I said, at about 2:30 p.m. or 3 p.m., we will move to vote.

I am now going to move to the managers' package, a list of 21 amendments that have been cleared by both the Republican and Democratic sides.

AMENDMENTS NOS. 2111; 2141; 2145; 2149; 2150; 2151, AS MODIFIED; 2154; 2155; 2157; 2234; 2170; 2178; 2181; 2185; 2195; 2216; 2199; 2201; 2225; 2224; AND 2227 TO AMENDMENT NO. 2089

Madam President, I ask unanimous consent that the following amendments be called up and agreed to en bloc: McCain-Reid No. 2111; Bennet-Ayotte No. 2141; Ayotte No. 2145; Udall No. 2149; Feinstein-Cornyn-Gardner No. 2150; Carper-Ayotte No. 2151, as modified with the changes at the desk; King-Capito No. 2154; Thune No. 2155; Flake No. 2157; Lee No. 2234; Booker No. 2170; Coons-Reed-Blunt No. 2178; McCain No. 2181; Whitehouse No. 2185; Blunt-Cardin-Mikulski-Collins No. 2195; Gillibrand No. 2216; Graham No. 2199; Alexander No. 2201; Bennet No. 2225; Booker No. 2224; and Cornyn No. 2227.

The PRESIDING OFFICER. Is there objection.

Without objection, it is so ordered.

The amendments (Nos. 2111; 2141; 2145; 2149; 2150; 2151, as Modified; 2154; 2155; 2157; 2234; 2170; 2178; 2181; 2185; 2195; 2216; 2199; 2201; 2225; 2224; and 2227) proposed and agreed to are as follows:

#### AMENDMENT NO. 2111

(Purpose: To express the sense of Congress that John Arthur "Jack" Johnson should receive a posthumous pardon for the racially-motivated conviction in 1913 that diminished the athletic, cultural, and historical significance of Jack Johnson and unduly tarnished his reputation)

At the end of part B of title X, add the following:

**SEC. . POSTHUMOUS PARDON.**

(a) FINDINGS.—Congress finds the following:

(1) John Arthur “Jack” Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases.

(2) Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves.

(3) Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights.

(4) After being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White title-holder, Tommy Burns.

(5) Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World.

(6) The victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the “great white hope”.

(7) In 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada.

(8) Jim Jeffries lost to Jack Johnson in what was deemed the “Battle of the Century”.

(9) The defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially-motivated murder of African-Americans throughout the United States.

(10) The relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites.

(11) Between 1901 and 1910, 754 African-Americans were lynched, some simply for being “too familiar” with White women.

(12) In 1910, Congress passed the Act of June 25, 1910 (commonly known as the “White Slave Traffic Act” or the “Mann Act”) (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce “for the purpose of prostitution or debauchery, or for any other immoral purpose”.

(13) In October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter.

(14) Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an “immoral purpose” in violation of the Mann Act.

(15) The Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson.

(16) Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across States lines for the purpose of “prostitution and debauchery”.

(17) In 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison.

(18) Jack Johnson fled the United States to Canada and various European and South American countries.

(19) Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915.

(20) Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas.

(21) Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title.

(22) Jack Johnson served the United States during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause.

(23) Jack Johnson died in an automobile accident in 1946.

(24) In 1954, Jack Johnson was inducted into the Boxing Hall of Fame.

(25) Senate Concurrent Resolution 29, 111th Congress, agreed to July 29, 2009, expressed the sense of the 111th Congress that Jack Johnson should receive a posthumous pardon for his racially-motivated 1913 conviction.

(b) RECOMMENDATIONS.—It remains the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially-motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

**AMENDMENT NO. 2141**

(Purpose: To provide for shared services strategies and models)

On page 622, line 18, insert “such as through entities administering shared services,” after “strategies.”

On page 624, line 9, insert “which may include the use of shared services models” after “time in program”.

**AMENDMENT NO. 2145**

(Purpose: To allow States to use State activity funds provided under part A of title IV of the Elementary and Secondary Education Act of 1965 for certain evidence-based mental health awareness programs)

On page 430, between lines 6 and 7, insert the following:

“(ix) designing and implementing evidence-based mental health awareness training programs for the purposes of—

“(I) recognizing the signs and symptoms of mental illness;

“(II) providing education to school personnel regarding resources available in the community for students with mental illnesses and other relevant resources relating to mental health; or

“(III) providing education to school personnel regarding the safe de-escalation of crisis situations involving a student with a mental illness; and

**AMENDMENT NO. 2149**

(Purpose: To allow the Bureau of Indian Education to apply for certain competitive grants under the Elementary and Secondary Education Act of 1965)

On page 799, between lines 17 and 18, insert the following:

**SEC. 9114A. APPLICATION FOR COMPETITIVE GRANTS FROM THE BUREAU OF INDIAN EDUCATION.**

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 4001(3) and 9114 and redesignated by section 9106(1), is further amended by adding at the end the following:

**“SEC. 9539. APPLICATION FOR COMPETITIVE GRANTS FROM THE BUREAU OF INDIAN EDUCATION.**

“(a) IN GENERAL.—Notwithstanding any other provision of this Act and subject to subsection (b), the Bureau of Indian Education may apply for, and carry out, any grant program awarded on a competitive basis under this Act, as appropriate, on behalf of the schools and the Indian children that the Bureau serves, and shall not be subject to any provision of the program that re-

quires grant recipients to contribute funds toward the costs of the grant program.

“(b) LIMITATION.—In the case of any competitive grant program described in subsection (a) that also provides a reservation of funds to the Bureau of Indian Education, the Bureau shall not, for any fiscal year, receive both a grant and a reservation under the competitive grant program.”.

**AMENDMENT NO. 2150**

(Purpose: To allow eligible entities to use funds provided under part A of title III of the Elementary and Secondary Education Act of 1965 for bilingual paraprofessionals and linguistically responsive materials)

On page 403, strike line 15 and insert the following:

“(B) intensified instruction, which may include linguistically responsive materials; and

“(C) bilingual paraprofessionals, which may include interpreters and translators.

**AMENDMENT NO. 2151, AS MODIFIED**

(Purpose: To amend part A of title II of the Elementary and Secondary Education Act of 1965 to improve preparation programs and strengthen support for principals and other school leaders)

On page 287, between lines 8 and 9, insert the following:

“(J) A description of actions the State may take to improve preparation programs and strengthen support for principals and other school leaders based on the needs of the State, as identified by the State educational agency.

**AMENDMENT NO. 2154**

(Purpose: To authorize the Institute of Education Sciences to conduct a study on student access to digital learning resources outside of the school day)

On page 264, between lines 11 and 12, insert the following:

**SEC. 1018. REPORT ON STUDENT HOME ACCESS TO DIGITAL LEARNING RESOURCES.**

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the Institute of Education Sciences, in consultation with relevant Federal agencies, shall complete a national study on the educational trends and behaviors associated with access to digital learning resources outside of the classroom, which shall include analysis of extant data and new surveys about students and teachers that provide—

(1) a description of the various locations from which students access the Internet and digital learning resources outside of the classroom, including through an after-school or summer program, a library, and at home;

(2) a description of the various devices and technology through which students access the Internet and digital learning resources outside of the classroom, including through a computer or mobile device;

(3) data associated with the number of students who lack home Internet access, disaggregated by—

(A) each of the categories of students, as defined in section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965;

(B) homeless students and children or youth in foster care; and

(C) students in geographically diverse areas, including urban, suburban, and rural areas;

(4) data associated with the barriers to students acquiring home Internet access;

(5) data associated with the proportion of educators who assign homework or implement innovative learning models that require or are substantially augmented by a student having home Internet access and the frequency of the need for such access;

(6) a description of the learning behaviors associated with students who lack home Internet access, including—

(A) student participation in the classroom, including the ability to complete homework and participate in innovative learning models;

(B) student engagement, through such measures as attendance rates and chronic absenteeism; and

(C) a student's ability to apply for employment, postsecondary education, and financial aid programs;

(7) an analysis of the how a student's lack of home Internet access impacts the instructional practice of educators, including—

(A) the extent to which educators alter instructional methods, resources, homework assignments, and curriculum in order to accommodate differing levels of home Internet access; and

(B) strategies employed by educators, school leaders, and administrators to address the differing levels of home Internet access among students; and

(8) a description of the ways in which State educational agencies, local educational agencies, schools, and other entities, including through partnerships, have developed effective means to provide students with Internet access outside of the school day.

(b) **PUBLIC DISSEMINATION.**—The Director of the Institute of Education Sciences shall widely disseminate the findings of the study under this section—

(1) in a timely fashion;

(2) in a form that is understandable, easily accessible, and publicly available and usable, or adaptable for use in, the improvement of educational practice;

(3) through electronic transfer and other means, such as posting, as available, to the website of the Institute of Education Sciences, or the Department of Education; and

(4) to all State educational agencies and other recipients of funds under part D of title IV of the Elementary and Secondary Education Act of 1965.

(c) **DEFINITION OF DIGITAL LEARNING.**—In this section, the term “digital learning”—

(1) has the meaning given the term in section 5702 of the Elementary and Secondary Education Act of 1965; and

(2) includes an educational practice that effectively uses technology to strengthen a student's learning experience within and outside of the classroom and at home, which may include the use of digital learning content, video, software, and other resources that may be developed, as the Secretary of Education may determine.

AMENDMENT NO. 2155

(Purpose: To require a report on responses to Indian student suicides)

At the end of title VII, insert the following:

**SEC. 7006. REPORT ON RESPONSES TO INDIAN STUDENT SUICIDES.**

(a) **PREPARATION.**—

(1) **IN GENERAL.**—The Secretary of Education, in coordination with the Secretary of the Interior and the Secretary of Health and Human Services, shall prepare a report on efforts to address outbreaks of suicides among elementary school and secondary school students (referred to in this section as “student suicides”) that occurred within 1 year prior to the date of enactment of this Act in Indian country (as defined in section 1151 of title 18, United States Code).

(2) **CONTENTS.**—The report shall include information on—

(A) the Federal response to the occurrence of high numbers of student suicides in Indian country (as so defined);

(B) a list of Federal resources available to prevent and respond to outbreaks of student

suicides, including the availability and use of tele-behavioral health care;

(C) any barriers to timely implementation of programs or interagency collaboration regarding student suicides;

(D) interagency collaboration efforts to streamline access to programs regarding student suicides, including information on how the Department of Education, the Department of the Interior, and the Department of Health and Human Services work together on administration of such programs;

(E) recommendations to improve or consolidate resources or programs described in subparagraph (B) or (D); and

(F) feedback from Indian tribes to the Federal response described in subparagraph (A).

(b) **SUBMISSION.**—Not later than 90 days after the date of enactment of this Act, the Secretary of Education shall submit the report described in subsection (a) to the appropriate committees of Congress.

AMENDMENT NO. 2157

(Purpose: To reserve funds for an evaluation of early learning alignment and improvement grants)

On page 615, between lines 22 and 23, insert the following:

“(3) **RESERVATION FOR EVALUATION.**—From the amounts appropriated under section 5903 for a fiscal year, the Secretary shall reserve one-half of 1 percent to conduct, in consultation with the Secretary of Health and Human Services, an evaluation to determine whether grants under this part are—

(A) improving efficiency in the use of Federal funds for early childhood education programs;

(B) improving coordination across Federal early childhood education programs; and

(C) increasing the availability of, and access to, high-quality early childhood education programs for eligible children.

AMENDMENT NO. 2234

(Purpose: To establish a rule of construction regarding travel to and from school)

After section 9115, insert the following:

**SEC. 9116. RULE OF CONSTRUCTION REGARDING TRAVEL TO AND FROM SCHOOL.**

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections, 9114 and 9115, and redesignated by section 9601, is further amended by adding at the end the following:

**“SEC. 9539A. RULE OF CONSTRUCTION REGARDING TRAVEL TO AND FROM SCHOOL.**

“(a) **IN GENERAL.**—Subject to subsection (b), nothing in this Act shall authorize the Secretary to, or shall be construed to—

“(1) prohibit a child from traveling to and from school on foot or by car, bus, or bike when the parents of the child have given permission; or

“(2) expose parents to civil or criminal charges for allowing their child to responsibly and safely travel to and from school by a means the parents believe is age appropriate.

“(b) **NO PREEMPTION OF STATE OR LOCAL LAWS.**—Notwithstanding subsection (a), nothing in this section shall be construed to preempt State or local laws.”.

AMENDMENT NO. 2170

(Purpose: To amend the early learning alignment and improvement grant program under part I of title V of the Elementary and Secondary Education Act of 1965 to ensure that States support early childhood education programs that maintain disciplinary policies that do not include expulsion or suspension of participating children)

On page 623, strike line 8 and insert the following:

“(14) a description of how the State will support, through the use of professional de-

velopment, early childhood education programs that maintain disciplinary policies that do not include expulsion or suspension of participating children, except as a last resort in extraordinary circumstances where—

“(A) there is a determination of a serious safety threat; and

“(B) policies are in place to provide appropriate alternative early educational services to expelled or suspended children while they are out of school; and”.

AMENDMENT NO. 2178

(Purpose: To encourage increasing the amount of funds available for parent and family engagement)

On page 170, strike lines 20 through 25, and insert the following:

“(A) **IN GENERAL.**—Each local educational agency shall reserve at least 1 percent of its allocation under subpart 2 to assist schools to carry out the activities described in this section, except that this subparagraph shall not apply if 1 percent of such agency's allocation under subpart 2 for the fiscal year for which the determination is made is \$5,000 or less. Nothing in this subparagraph shall be construed to limit local educational agencies from reserving more than the 1 percent of its allocation under subpart 2 to assist schools to carry out activities described in this section.”;

AMENDMENT NO. 2181

(Purpose: To allow States to use funding under part A of title I of the Elementary and Secondary Education Act of 1965 to replicate and expand successful practices from high-performing public schools)

On page 70, line 3, strike the period and insert the following: “; and

“(iii) use funds under this part to support efforts to expand and replicate successful practices from high-performing charter schools, magnet schools, and traditional public schools.

AMENDMENT NO. 2185

(Purpose: To support innovation schools)

(The amendment is printed in the RECORD of July 9, 2015, under “Text of Amendments.”)

AMENDMENT NO. 2195

(Purpose: To amend section 1113(c) of the Elementary and Secondary Education Act of 1965 to allow local educational agencies to address the needs of children in schools served by schoolwide programs by providing school-based mental health programs)

On page 132, line 1, insert “school-based mental health programs,” after “counseling.”.

AMENDMENT NO. 2216

(Purpose: To require a report on cybersecurity education)

On page 385, between lines 4 and 5, insert the following:

**“SEC. 2508. REPORT ON CYBERSECURITY EDUCATION.**

“Not later than June 1, 2016, the Secretary, acting through the Director of the Institute of Education Sciences, shall submit to the Committee on Armed Services and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Armed Services and the Committee on Education and the Workforce of the House of Representatives, a report describing whether secondary and postsecondary education programs are meeting the need of public and private sectors for cyberdefense. Such report shall include—

“(1) an assessment of the shortfalls in current secondary and postsecondary education needed to develop cybersecurity professionals, and recommendations to address such shortfalls;

“(2) an assessment of successful secondary and postsecondary programs that produce competent cybersecurity professionals; and

“(3) recommendations of subjects to be covered by elementary schools and secondary schools to better prepare students for postsecondary cybersecurity education.”.

## AMENDMENT NO. 2199

(Purpose: To include entrepreneurship as a local educational agency allowable use of funds under title II)

On page 306, after line 23, insert the following:

“(V) providing educator training to increase students’ entrepreneurship skills; and

## AMENDMENT NO. 2201

(Purpose: To provide that State assessments not evaluate or assess personal or family beliefs and attitudes, or publicly disclose personally identifiable information)

Beginning on page 37, strike line 24 and all that follows through page 38, line 4, and insert the following:

“(iii) be used for purposes for which such assessments are valid and reliable, consistent with relevant, nationally recognized professional and technical testing standards, objectively measure academic achievement, knowledge, and skills, and be tests that do not evaluate or assess personal or family beliefs and attitudes, or publicly disclose personally identifiable information;

## AMENDMENT NO. 2225

(Purpose: To improve title I by including information about assessments in the categories of information that parents have a right to know about)

On page 111, between lines 24 and 25, insert the following:

“(2) TESTING TRANSPARENCY.—

“(A) IN GENERAL.—Subject to subparagraph (B), each local educational agency that receives funds under this part shall make widely available through public means (including by posting in a clear and easily accessible manner on the local educational agency’s website and, where practicable, on the website of each school served by the local educational agency) for each grade served by the local educational agency, information on each assessment required by the State to comply with section 1111, other assessments required by the State, and where such information is available and feasible to report, assessments required districtwide by the local educational agency, including—

“(i) the subject matter assessed;

“(ii) the purpose for which the assessment is designed and used;

“(iii) the source of the requirement for the assessment; and

“(iv) where such information is available—

“(I) the amount of time students will spend taking the assessment, and the schedule and calendar for the assessment; and

“(II) the time and format for disseminating results.

“(B) LOCAL EDUCATIONAL AGENCY THAT DOES NOT OPERATE A WEBSITE.—In the case of a local educational agency that does not operate a website, such local educational agency shall determine how to make the information described in subparagraph (A) widely available, such as through distribution of that information to the media, through public agencies, or directly to parents.

## AMENDMENT NO. 2224

(Purpose: To assess and improve educator support and working conditions)

On page 306, after line 23, add the following:

“(V) regularly conducting, and publicly reporting the results of, an assessment and a plan to address such results, of educator support and working conditions that—

“(i) evaluates supports for teachers, leaders, and other school personnel, such as—

“(I) teacher and principal perceptions of availability of high-quality professional development and instructional materials;

“(II) timely availability of data on student academic achievement and growth;

“(III) the presence of high-quality instructional leadership; and

“(IV) opportunities for professional growth, such as career ladders and mentoring and induction programs;

“(ii) evaluates working conditions for teachers, leaders and other school personnel, such as—

“(I) school safety and climate;

“(II) availability and use of common planning time and opportunities to collaborate; and

“(III) community engagement; and

“(iii) is developed with teachers, leaders, other school personnel, parents, students, and the community; and

## AMENDMENT NO. 2227

(Purpose: To reauthorize the Education Flexibility Partnership Act of 1999)

(The amendment is printed in the RECORD of July 13, 2015, under “Text of Amendments.”)

Mr. ALEXANDER. Madam President, I ask unanimous consent, notwithstanding rule XXII, on behalf of myself and Senator MURRAY, that if cloture is invoked on the Alexander amendment No. 2089, the following amendments be made pending en bloc: Coons No. 2243; Cruz No. 2180; Heitkamp No. 2171; Hatch No. 2082; Warren No. 2106; Burr No. 2247, as modified with the changes at the desk; Murphy No. 2186; Brown No. 2100; Wicker No. 2144; Markey No. 2176; Murphy No. 2241; Sanders No. 2177; Casey No. 2242; Schatz No. 2130; Nelson No. 2215, as modified with the changes at the desk; Manchin No. 2222; Boozman No. 2231; Baldwin No. 2188; Capito No. 2156; Thune No. 2232; King No. 2256; Schatz No. 2240; and Warren No. 2249.

Following that, at a time to be determined by the majority leader in consultation with the Democratic leader either today or tomorrow, the Senate vote in relation to the following amendments: Brown No. 2100; Heitkamp No. 2171, 60-vote threshold; Coons No. 2243, 60-vote threshold; Kirk No. 2161, 60-vote threshold; Burr No. 2247, as modified with the changes at the desk; Hatch No. 2082; Warren No. 2106; Wicker No. 2144, 60-vote threshold; Markey No. 2176, 60-vote threshold; Murphy No. 2241, 60-vote threshold; Sanders No. 2177, 60-vote threshold; Casey No. 2242, 60-vote threshold; Cruz No. 2180; Schatz No. 2130; Murphy No. 2186; Nelson No. 2215, as modified with the changes at the desk; Manchin No. 2222; Boozman No. 2231; Baldwin No. 2188; Capito No. 2156; Thune No. 2232; King No. 2256; Schatz No. 2240; and Warren No. 2249, with no second-degree amendments in order to any of the amendments prior to the votes, that there be 2 minutes equally divided prior to each vote; and that all after the first vote in each series be 10 minutes in length; also that the Warren amendment No. 2120 be withdrawn and that the following amendments in this agreement be subject to a 60-affirma-

tive-vote threshold for adoption: Coons No. 2243, Heitkamp No. 2171, Kirk No. 2161, Wicker No. 2144, Markey No. 2176, Murphy No. 2241, Sanders No. 2177, and Casey No. 2242.

The PRESIDING OFFICER. Is there objection.

Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, in just a few minutes, after brief comments by Senator MURRAY and me, we will proceed to a cloture vote and then our next votes will be at 2:30.

I think, from the reading of the amendments, that the Senators can see that we have had a fair and open amendment process. Just to give you an example, in our committee consideration to fix No Child Left Behind, we adopted 29 amendments, and the committee was pleased enough with the process that they reported the bill unanimously.

The substitute amendment, one of the amendments I just listed, adopts the priorities of 52 Members into that substitute amendment.

On the Senate floor already since last week, we have adopted 27 amendments, and I just read the two consent requests. The manager’s package has 21 amendments in it, and those have been adopted. Then there are the 21 more votes that we just secured approval to vote on either by voice or in fact.

So the vote we are about to have is a vote on whether to end debate on our bill to fix No Child Left Behind. I think the question before the Senators is this: Do you think there has been a fair process? Do you think it is open enough? Do you think the bill is worthy of having these votes and going toward final passage? I hope every single Senator will agree that yes, it has been.

This is the way the Senate is supposed to work. Basically, we are concluding the bill by a unanimous consent agreement, which is to say that virtually every Senator who wants an amendment has had that amendment considered, and we are going to dispose of it one way or another. We are going to adopt it or vote on it, whatever the Senate likes.

That is important for the country to see. This a bill that Newsweek magazine said is the education bill everyone wants fixed.

There is a remarkable consensus that we need to do it. After 7 years, this bill is overdue and a “yes” vote today on cloture says: We recognize that Governors, teachers, school board members, and school superintendents have united in a remarkable coalition to support the way we propose to fix it. So we have a consensus that it needs to be fixed, and we have a consensus on how to fix it. This is a vote about whether we are ready to do that—to do our job.

I thank Senator MURRAY principally for her leadership in this respect, making it possible to create this environment in which we have been able to have such a good process.

I thank the majority leader for putting the bill on the floor and giving us a week of time—more than a week—to deal with it.

I thank the majority whip for his efforts, especially in helping to bring this to a conclusion.

I thank the Democratic leader, Senator REID, as well as Senators SCHUMER, DURBIN and PATTY MURRAY, who is also part of that leadership, for creating the kind of working environment to give Senators on both sides of the aisle a chance to go home and say: We fixed No Child Left Behind. I had my say in it, and we are going to restore responsibility. We are going to keep the important measurements of student achievement, but restore to the classroom teachers, the Governors, the legislatures, the school boards, and to the parents the responsibility for student achievement.

I thank the Chair, and I urge my colleagues to vote yes on cloture so we can move toward these remaining 21 amendments on the bill.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I rise again to encourage all of our colleagues to support this vote to move us to a negotiated conclusion to this very important bill.

I thank the senior Senator from Tennessee, as well as the majority leader, for working with us to get this agreement so we can continue moving forward in a bipartisan way to get this done.

Across the country, students, parents, teachers, and communities are really counting on us to fix No Child Left Behind. I have been very pleased to work with Chairman ALEXANDER on this bipartisan bill called the Every Child Achieves Act.

This bill will give our States more flexibility, but it will also include some Federal guardrails to make sure all of our students do have access to quality education. It passed through our committee unanimously and, for the past week or so, we have made good progress on the Senate floor.

There is still some work to be done. There are a number of amendments that we will be voting on this afternoon and into tomorrow. The senior Senator from Pennsylvania is offering a very important amendment I support to expand high-quality early childhood education.

We have an amendment that we will be voting on to strengthen the Federal guardrails. It is the accountability amendment from Senators MURPHY, BOOKER, WARREN, and COONS to help make sure all of our kids, especially our most vulnerable students, have what they need.

There are many more amendments, as you know, from Democrats and Republicans, to finish this bill, but I urge our colleagues to vote yes on cloture. We are finishing this bill and working to make sure that we can fix a broken law.

I will have more to say about the amendments as we go through the process. But at this moment, I urge all of our colleagues to support this vote, continue this bipartisan process, and let's work to get this bill done.

I yield the floor.

I yield back the remainder of my time.

Mr. ALEXANDER. Madam President, I yield back the remainder of my time.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Alexander amendment No. 2089 to S. 1177, an original bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Mitch McConnell, Orrin G. Hatch, Lamar Alexander, Cory Gardner, Steve Daines, Pat Roberts, Johnny Isakson, Susan M. Collins, Michael B. Enzi, Kelly Ayotte, John Cornyn, Lisa Murkowski, Tim Scott, Richard Burr, Thom Tillis, Lindsey Graham, John Hoeven.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the Alexander amendment No. 2089, offered by the Senator from Tennessee, Mr. ALEXANDER, to S. 1177, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) is necessarily absent.

The PRESIDING OFFICER (Mr. TILLIS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 86, nays 12, as follows:

[Rollcall Vote No. 237 Leg.]

#### YEAS—86

Alexander	Cotton	Kirk
Ayotte	Donnelly	Klobuchar
Baldwin	Durbin	Lankford
Barrasso	Enzi	Leahy
Bennet	Ernst	Manchin
Blumenthal	Feinstein	Markey
Booker	Fischer	McCain
Boozman	Flake	McCaskill
Boxer	Franken	McConnell
Brown	Gardner	Menendez
Burr	Gillibrand	Merkley
Cantwell	Grassley	Mikulski
Capito	Hatch	Murkowski
Cardin	Heinrich	Murphy
Carper	Heitkamp	Murray
Casey	Heller	Perdue
Cassidy	Hirono	Peters
Coats	Hoeven	Portman
Cochran	Inhofe	Reed
Collins	Isakson	Reid
Coons	Johnson	Roberts
Corker	Kaine	Rounds
Cornyn	King	Sanders

Schatz	Sullivan	Warner
Schumer	Tester	Warren
Scott	Thune	Whitehouse
Sessions	Tillis	Wicker
Shaheen	Toomey	Wyden
Stabenow	Udall	

#### NAYS—12

Blunt	Lee	Rubio
Crapo	Moran	Sasse
Cruz	Paul	Shelby
Daines	Risch	Vitter

#### NOT VOTING—2

Graham	Nelson
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The PRESIDING OFFICER. On this vote, the yeas are 86, the nays are 12.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

AMENDMENTS NOS. 2243; 2180; 2171; 2082; 2106; 2247, AS MODIFIED; 2186; 2100; 2144; 2176; 2241; 2177; 2242; 2130; 2215, AS MODIFIED; 2222; 2231; 2188; 2156; 2232; 2256; 2240; 2249 TO AMENDMENT NO. 2089

The PRESIDING OFFICER. Cloture having been invoked, under the previous order, the 23 amendments enumerated earlier are now pending en bloc.

The amendments (Nos. 2243; 2180; 2171; 2082; 2106; 2247, as modified; 2186; 2100; 2144; 2176; 2241; 2177; 2242; 2130; 2215, as modified; 2222; 2231; 2188; 2156; 2232; 2256; 2240; 2249) are proposed, as follows:

#### AMENDMENT NO. 2243

(Purpose: To authorize the establishment of American Dream Accounts)

(The amendment is printed in the RECORD of July 14, 2015, under "Text of Amendments.")

#### AMENDMENT NO. 2180

(Purpose: To provide for State-determined assessment and accountability systems, and for other purposes)

On page 28, between lines 6 and 7, insert the following:

"(vi) include in the plan a description of assessments referred to in paragraph (2), or an accountability system referred to in paragraph (3), of subsection (b), nor may the Secretary require inclusion of a description of such assessments or system in a plan or application, or use inclusion of such assessments or system as a factor in awarding Federal funding, under any other provision of this Act; or

On page 28, line 7, strike "(vi)" and insert "(vii)".

On page 36, strike line 18 and all that follows through line 25 on page 58, and insert the following:

"(2) ASSESSMENTS.—A State may include in the State plan a description of, and may implement, a set of high-quality statewide academic assessments.

"(3) ACCOUNTABILITY.—A State may include in the State plan a description of, and may implement, an accountability system.

On page 146, strike line 1 and all that follows through line 23, on page 166.

On page 183, between lines 6 and 7, insert the following:

#### SEC. 1008A. STATE-DETERMINED ASSESSMENTS AND ACCOUNTABILITY.

After section 1118, as redesignated by section 1004(3), insert the following:

#### "SEC. 1119. STATE-DETERMINED ASSESSMENTS AND ACCOUNTABILITY.

"Notwithstanding any other provision of law, including any other provision of this Act, wherever in this Act a reference is made to assessments or accountability under this part, including a reference to a provision under paragraphs (2) or (3) of section 1111(b)—

“(1) in the case of a State that elects to implement assessments referred to in section 1111(b)(2), a reference to assessments under this part shall be deemed to be a reference to those assessments and shall be carried out to the extent practicable based on the State-determined assessments;

“(2) in the case of a State that elects to implement an accountability system referred to in section 1111(b)(3), a reference to accountability under this part shall be deemed to be a reference to accountability under that system, and shall be carried out to the extent practicable based on the State-determined accountability system; and

“(3) in the case of any State not described in paragraph (1) or (2), the reference shall have no effect.”

On page 185, strike line 19 and all that follows through line 2 on page 228 and insert the following:

#### **SEC. 1012. REPEAL.**

Part B of title I (20 U.S.C. 6361 et seq.) is repealed.

#### **AMENDMENT NO. 2171**

(Purpose: To reinstate grants to improve the mental health of children)

On page 492, after line 22, insert the following:

#### **SEC. 4006. GRANTS FOR THE INTEGRATION OF SCHOOLS AND MENTAL HEALTH SYSTEMS.**

Title IV (20 U.S.C. 7101 et seq.), as amended by sections 4001, 4004, and 4005, is further amended by adding at the end the following:

#### **“PART E—GRANTS TO IMPROVE THE MENTAL HEALTH OF CHILDREN**

#### **“SEC. 4501. GRANTS FOR THE INTEGRATION OF SCHOOLS AND MENTAL HEALTH SYSTEMS.**

“(a) **AUTHORIZATION.**—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, State educational agencies, local educational agencies, Indian tribes or their tribal education agency, a school operated by the Bureau of Indian Education, or a Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) for the purpose of increasing student access to quality mental health care and support by developing innovative programs to link local school systems with local mental health systems, such as those under the Indian Health Service.

“(b) **DURATION.**—With respect to a grant, contract, or cooperative agreement awarded or entered into under this section, the period during which payments under such grant, contract or agreement are made to the recipient may not exceed 5 years.

“(c) **USE OF FUNDS.**—An entity that receives a grant, contract, or cooperative agreement under this section shall use amounts made available through such grant, contract, or cooperative agreement for the following:

“(1) To enhance, improve, or develop collaborative efforts between school-based service systems and mental health service systems to provide, enhance, or improve prevention, diagnosis, and treatment services to students.

“(2) To enhance the availability of crisis intervention services and conflict resolution practices, such as those focused on decreasing rates of bullying, teen dating violence, suicide, trauma, and human trafficking (defined as an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)), as well as provide appropriate referrals for students potentially in need of mental health services, and ongoing mental health services.

“(3) To provide training and professional development for the school personnel and

mental health professionals who will participate in the program carried out under this section.

“(4) To provide technical assistance and consultation to school systems and mental health agencies as well as to families participating in the program carried out under this section.

“(5) To provide linguistically appropriate and culturally competent services.

“(6) To evaluate the effectiveness of the program carried out under this section in increasing student access to quality mental health services, and make recommendations to the Secretary about the sustainability of the program.

“(7) To engage and utilize expertise provided by institutions of higher education, such as a Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965.

“(d) **APPLICATIONS.**—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity described in subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, such as the following:

“(1) A description of the program to be funded under the grant, contract, or cooperative agreement.

“(2) A description of how such program will increase access to quality mental health services for students.

“(3) A description of how the applicant will establish a crisis intervention program or conflict resolution practices, or both, that provide immediate mental health services to the school community as necessary.

“(4) An assurance that—

“(A) persons providing services under the grant, contract, or cooperative agreement are adequately trained to provide such services;

“(B) the services will be provided in accordance with subsection (c);

“(C) teachers, administrators, parents or guardians, representatives of local Indian tribes, and other school personnel are aware of the program; and

“(D) parents or guardians of students participating in services under this section will be engaged and involved in the design and implementation of the services.

“(5) An assurance that the applicant will support and integrate existing school-based services with the program in order to provide appropriate mental health services for students.

“(6) An assurance that the applicant will establish a program that will support students and the school in improving the school climate in order to support an environment conducive to learning.

“(e) **INTERAGENCY AGREEMENTS.**—

“(1) **DESIGNATION OF LEAD AGENCY.**—A recipient of a grant, contract, or cooperative agreement under this section shall designate a lead agency to direct the establishment of an interagency agreement among local educational agencies, juvenile justice authorities, mental health agencies, and other relevant entities in the State, in collaboration with local entities, such as Indian tribes.

“(2) **CONTENTS.**—The interagency agreement shall ensure the provision of the services described in subsection (c), specifying with respect to each agency, authority, or entity—

“(A) the financial responsibility for the services;

“(B) the conditions and terms of responsibility for the services, including quality, accountability, and coordination of the services; and

“(C) the conditions and terms of reimbursement among the agencies, authorities,

or entities that are parties to the interagency agreement, including procedures for dispute resolution.

“(f) **EVALUATION.**—The Secretary shall evaluate each program carried out under this section and shall disseminate the findings with respect to each such evaluation to appropriate public, tribal, and private entities.

“(g) **DISTRIBUTION OF AWARDS.**—The Secretary shall ensure that grants, contracts, and cooperative agreements awarded or entered into under this section are equitably distributed among the geographical regions of the United States and among tribal, urban, suburban, and rural populations.

“(h) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed—

“(1) to prohibit an entity involved with a program carried out under this section from reporting a crime that is committed by a student to appropriate authorities; or

“(2) to prevent State and tribal law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal, tribal, and State law to crimes committed by a student.

“(i) **SUPPLEMENT, NOT SUPPLANT.**—Any services provided through programs carried out under this section shall supplement, and not supplant, existing mental health services, including any services required to be provided under the Individuals with Disabilities Education Act.

“(j) **CONSULTATION WITH INDIAN TRIBES.**—In carrying out subsection (a), the Secretary shall, in a timely manner, meaningfully consult, engage, and cooperate with Indian tribes and their representatives to ensure notice of eligibility.

“(k) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2016 through 2021.”

#### **AMENDMENT NO. 2082**

(Purpose: To amend the Elementary and Secondary Education Act of 1965 relating to early learning)

On page 627, line 8, strike “State.” and insert “State, such as pay for success initiatives that promote coordination among existing programs and meet the purposes of this part.”

#### **AMENDMENT NO. 2106**

(Purpose: To amend title II of the Elementary and Secondary Education Act of 1965 to include specialized instructional support personnel in the literacy development of children)

On page 361, line 3, strike “school leaders, and” and insert “school leaders, specialized instructional support personnel (as appropriate), and”.

On page 362, line 19, insert “specialized instructional support personnel (as appropriate),” after “other school leaders.”

On page 364, line 20, strike “and school personnel” and insert “school personnel, and specialized instructional support personnel (as appropriate)”.

On page 366, line 5, strike “and school personnel” and insert “specialized instructional support personnel (as appropriate), and school personnel”.

On page 367, line 2, insert “or specialized instructional support personnel” after “librarians”.

#### **AMENDMENT NO. 2247, AS MODIFIED**

(Purpose: To amend the allocation of funds under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965)

Strike sections 1009, 1010, and 1011 and insert the following:

#### **SEC. 1009. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.**

Section 1121 (20 U.S.C. 6331) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “and 1125A(f)”; and

(2) in subsection (b)(3)(C)(ii), by striking “challenging State academic content standards” and inserting “challenging State academic standards”.

#### SEC. 1010. ALLOCATIONS TO STATES.

Section 1122 (20 U.S.C. 6332) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) ALLOCATION FORMULA.—

“(1) INITIAL ALLOCATION.—For each of fiscal years 2016 through 2021 (referred to in this subsection as the ‘current fiscal year’), the Secretary shall allocate \$17,000,000,000 of the amount appropriated under section 1002(a) to carry out this part (or, if the total amount appropriated for this part is equal to or less than \$17,000,000,000, all of such amount) in accordance with the following:

“(A) An amount equal to the amount made available to carry out section 1124 for fiscal year 2015 shall be allocated in accordance with section 1124.

“(B) An amount equal to the amount made available to carry out section 1124A for fiscal year 2015 shall be allocated in accordance with section 1124A.

“(C) An amount equal to 100 percent of the amount, if any, by which the amount made available under this paragraph for the current fiscal year for which the determination is made exceeds the amount available to carry out sections 1124 and 1124A for fiscal year 2001 shall be allocated in accordance with section 1125 and 1125A.

“(2) ALLOCATIONS IN EXCESS OF \$17,000,000,000.—For each of the current fiscal years for which the amounts appropriated under section 1002(a) to carry out this part exceed \$17,000,000,000, an amount equal to such excess amount shall be allocated in accordance with section 1123.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “under this subpart” and inserting “under subsection (a)(1) for sections 1124, 1124A, 1125, and 1125A”; and

(ii) by striking “and 1125” and inserting “1125, and 1125A”; and

(B) in paragraph (2)—

(i) by inserting “under subsection (a)(1)” after “become available”; and

(ii) by striking “and 1125” and inserting “1125, and 1125A”;

(3) in subsection (c)(1), by inserting “and to the extent amounts under subsection (a)(1) are available” after “For each fiscal year”; and

(4) in subsection (d)(1), by striking “under this subpart” and inserting “under subsection (a)(1) for sections 1124, 1124A, 1125, and 1125A”.

#### SEC. 1011. EQUITY GRANTS.

Subpart 2 of part A of title I (20 U.S.C. 6331 et seq.) is amended by inserting after section 1122 the following:

##### “SEC. 1123. EQUITY GRANTS.

“(a) AUTHORIZATION.—From funds appropriated under section 1002(a) for a fiscal year and available for allocation pursuant to section 1122(a)(2), the Secretary is authorized to make grants to States, from allotments under subsection (b), to carry out the programs and activities of this part.

“(b) DISTRIBUTION BASED UPON CONCENTRATIONS OF POVERTY.—

“(1) IN GENERAL.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), funds appropriated pursuant to subsection (a) for a fiscal year shall be allotted to each State based upon the number of children counted under section 1124(c) in such State multiplied by the product of—

“(i) 40 percent of the average per-pupil expenditure in the United States (other than

the Commonwealth of Puerto Rico); multiplied by

“(ii) 1.30 minus such State’s equity factor described in paragraph (2).

“(B) PUERTO RICO.—For each fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount of the funds appropriated under subsection (a) that bears the same relation to the total amount of funds appropriated under such subsection as the amount that the Commonwealth of Puerto Rico received under this subpart for fiscal year 2015 bears to the total amount received by all States for such fiscal year.

“(C) STATE MINIMUM.—Notwithstanding any other provision of this section except for subparagraph (B), from the total amount available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

“(i) 0.35 percent of the total amount available to carry out this section for such fiscal year; or

“(ii) the average of—

“(I) 0.35 percent of such total amount for such fiscal year; and

“(II) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State’s total number of children described in section 1124(c), without application of a weighting factor.

“(2) EQUITY FACTOR.—

“(A) DETERMINATION.—

“(i) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall determine the equity factor under this section for each State in accordance with clause (ii).

“(ii) COMPUTATION.—

“(I) IN GENERAL.—For each State, the Secretary shall compute a weighted coefficient of variation for the per-pupil expenditures of local educational agencies in accordance with subclauses (II), (III), and (IV).

“(II) VARIATION.—In computing coefficients of variation, the Secretary shall weigh the variation between per-pupil expenditures in each local educational agency and the average per-pupil expenditures in the State according to the number of pupils served by the local educational agency.

“(III) NUMBER OF PUPILS.—In determining the number of pupils under this paragraph served by each local educational agency and in each State, the Secretary shall multiply the number of children counted under section 1124(c) by a factor of 1.4.

“(IV) ENROLLMENT REQUIREMENT.—In computing coefficients of variation, the Secretary shall include only those local educational agencies with an enrollment of more than 200 students.

“(B) SPECIAL RULE.—The equity factor for a State that meets the disparity standard described in section 222.162 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001) or a State with only one local educational agency shall be not greater than 0.10.

“(c) USE OF FUNDS; ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—All funds awarded to each State under this section shall be allocated to local educational agencies under the following provisions:

“(1) DISTRIBUTION WITHIN LOCAL EDUCATIONAL AGENCIES.—Within local educational agencies, funds allocated under this section shall be distributed to schools on a basis consistent with section 1113, and may only be used to carry out activities under this part.

“(2) ELIGIBILITY FOR GRANT.—A local educational agency in a State is eligible to receive a grant under this section for any fiscal year if—

“(A) the number of children in the local educational agency counted under section 1124(c), before application of the weighted child count described in subsection (d), is at least 10; and

“(B) if the number of children counted for grants under section 1124(c), before application of the weighted child count described in subsection (d), is at least 5 percent of the total number of children aged 5 to 17 years, inclusive, in the school district of the local educational agency.

“(d) ALLOCATION OF FUNDS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—Funds received by States under this section for a fiscal year shall be allocated within States to eligible local educational agencies on the basis of weighted child counts calculated in accordance with paragraph (2), (3), or (4), as appropriate for each State.

“(2) STATES WITH AN EQUITY FACTOR LESS THAN .10.—

“(A) IN GENERAL.—In States with an equity factor less than .10, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

“(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency’s total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 1.75;

“(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 2.5;

“(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 3.25; and

“(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 4.0.

“(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) who constitute not more than 834, inclusive, of the agency’s total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 1.5;

“(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 2.0; and

“(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 2.0; or

“(II) in the case of a high poverty percentage local educational agency—

“(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 2.5; and

“(bb) the number of such children in excess of 26,412 in such population, multiplied by 3.0.

“(3) STATES WITH AN EQUITY FACTOR GREATER THAN OR EQUAL TO .10 AND LESS THAN .20.—

“(A) IN GENERAL.—In States with an equity factor greater than or equal to .10 and less than .20, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

“(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 1.5;

“(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 3.0;

“(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 4.5; and

“(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 6.0.

“(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) who constitute not more than 834, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 1.5;

“(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 2.25; and

“(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 2.25; or

“(II) in the case of a high poverty percentage local educational agency—

“(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 3.375; and

“(bb) the number of such children in excess of 26,412 in such population, multiplied by 4.5.

“(4) STATES WITH AN EQUITY FACTOR GREATER THAN OR EQUAL TO .20.—

“(A) IN GENERAL.—In States with an equity factor greater than or equal to .20, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

“(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 2.0;

“(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 4.0;

“(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 6.0; and

“(v) the number of such children who constitute more than 36.10 percent of such population, multiplied by 8.0.

“(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) who constitute not

more than 834, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children between 835 and 2,629, inclusive, in such population, multiplied by 2.0;

“(iii) the number of such children between 2,630 and 7,668, inclusive, in such population, multiplied by 3.0; and

“(iv)(I) in the case of an agency that is not a high poverty percentage local educational agency, the number of such children in excess of 7,668 in such population, multiplied by 3.0; or

“(II) in the case of a high poverty percentage local educational agency—

“(aa) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 4.5; and

“(bb) the number of such children in excess of 26,412 in such population, multiplied by 6.0.

“(e) MAINTENANCE OF EFFORT.—

“(1) IN GENERAL.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that the State's fiscal effort per student or the aggregate expenditures of the State with respect to the provision of free public education by the State for the preceding fiscal year was not less than 90 percent of the fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of paragraph (2).

“(2) REDUCTION IN CASE OF FAILURE TO MEET.—

“(A) IN GENERAL.—The Secretary shall reduce the amount of the allotment of funds under this section in any fiscal year in the exact proportion by which a State fails to meet the requirement of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

“(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

“(3) WAIVER.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

“(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or

“(B) a precipitous decline in the financial resources of the State.

“(f) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

“(1) IN GENERAL.—If the sums available under this section for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under this section for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to paragraphs (2) and (3).

“(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under this section for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

“(3) HOLD HARMLESS AMOUNTS.—Beginning with the second fiscal year for which amounts are appropriated to carry out this section, and if sufficient funds are available, the amount made available to each local educational agency under this section for a fiscal year shall be—

“(A) not less than 95 percent of the amount made available for the preceding fiscal year

if the number of children counted under section 1124(c) is equal to or more than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency;

“(B) not less than 90 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is less than 30 percent and equal to or more than 15 percent; and

“(C) not less than 85 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is less than 15 percent.

“(4) APPLICABILITY.—Notwithstanding any other provision of law, the Secretary shall not take into consideration the hold-harmless provisions of this subsection for any fiscal year for purposes of calculating State or local allocations for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

“(g) DEFINITIONS.—In this section:

“(1) HIGH POVERTY PERCENTAGE LOCAL EDUCATIONAL AGENCY.—The term ‘high poverty percentage local educational agency’ means a local educational agency for which the number of children determined under subsection (b) for a fiscal year is 20 percent or more of the total population aged 5 to 17, inclusive, of the local educational agency for such fiscal year.

“(2) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.”.

#### SEC. 1011A. ADEQUACY OF FUNDING RULE.

Section 1125AA(b) (20 U.S.C. 6336(b)) is amended by striking “section 1122(a)” and inserting “section 1122(a)(1)”.

#### SEC. 1011B. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.

In section 1125A (20 U.S.C. 6337)—

(1) in subsection (a), by striking “under subsection (f)” and inserting “under section 1002(a) and made available under section 1122(a)(1)”;

(2) in subsection (b), by striking “pursuant to subsection (f)” and inserting “made available for this section under section 1122(a)(1)”;

(3) in subsection (c), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(4) in subsection (d)(1)(A)(ii), by striking “clause ‘(i)’” and inserting “clause (i)”;

(5) by striking subsection (e) and inserting the following:

“(e) MAINTENANCE OF EFFORT.—

“(1) IN GENERAL.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that the State's fiscal effort per student or the aggregate expenditures of the State with respect to the provision of free public education by the State for the preceding fiscal year was not less than 90 percent of the fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of paragraph (2).

“(2) REDUCTION IN CASE OF FAILURE TO MEET.—

“(A) IN GENERAL.—The Secretary shall reduce the amount of the allotment of funds under this section for any fiscal year in the exact proportion by which a State fails to meet the requirement of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

“(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

“(3) WAIVER.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

“(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or

“(B) a precipitous decline in the financial resources of the State.”;

(6) by striking subsection (f);

(7) by redesignating subsection (g) as subsection (f); and

(8) in subsection (f), as redesignated by paragraph (7)—

(A) in paragraph (1), by striking “under this section” and inserting “to carry out this section”; and

(B) in subsection (f)(3), in the matter preceding subparagraph (A), by striking “shall be” and inserting “shall be—”.

#### SEC. 1011C. SPECIAL ALLOCATION PROCEDURES.

Section 1126 (20 U.S.C. 6338) is amended by striking “sections 1124, 1124A, 1125, and 1125A” each place the term appears and inserting “sections 1123, 1124, 1124A, 1125, and 1125A”.

#### AMENDMENT NO. 2186

(Purpose: To establish the Promise Neighborhoods program)

(The amendment is printed in the RECORD of July 9, 2015, under “Text of Amendments.”)

#### AMENDMENT NO. 2100

(Purpose: To amend title V of the Elementary and Secondary Education Act of 1965 to establish a full-service community schools grant program)

(The amendment is printed in the RECORD of July 7, 2015, under “Text of Amendments.”)

#### AMENDMENT NO. 2144

(Purpose: To provide States and local educational agencies with resources on climate theory to promote improved science education)

At the end of part B of title X, add the following:

#### SEC. 10202. RESOURCES FOR IMPROVED SCIENCE EDUCATION.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration shall provide States and local educational agencies with balanced, objective resources on climate theory to promote improved science education for students in kindergarten through grade 12, including materials regarding—

(1) the natural causes and cycles of climate change;

(2) the uncertainties inherent in climate modeling; and

(3) the myriad factors that influence the climate of the Earth.

(b) RESOURCES.—The resources provided under subsection (a) shall be—

(1) in addition to any climate theory resources the Administrator of the Environmental Protection Agency or the Administrator of the National Oceanic and Atmospheric Administration are providing to States or local educational agencies on the day before the date of enactment of this Act; and

(2) made available to promote open classroom discussion that builds student skills in scientific reasoning, critical thinking, and independent thought.

#### AMENDMENT NO. 2176

(Purpose: To establish a climate change education program)

At the end of title V, add the following:

#### SEC. 5011. CLIMATE CHANGE EDUCATION.

(a) SHORT TITLE.—This section may be cited as the “Climate Change Education Act”.

(b) FINDINGS.—Congress finds that—

(1) carbon pollution is accumulating in the atmosphere, causing global temperatures to rise at a rate that poses a significant threat to the economy and security of the United States, to public health and welfare, and to the global environment;

(2) climate change is already impacting the United States with sea level rise, ocean acidification, and more frequent or intense extreme weather events such as heat waves, heavy rainfalls, droughts, floods, and wildfires;

(3) the scientific evidence for human-induced climate change is overwhelming and undeniable as demonstrated by statements from the National Academy of Sciences, the National Climate Assessment, and numerous other science professional organizations in the United States;

(4) the United States has a responsibility to children and future generations of the United States to address the harmful effects of climate change;

(5) providing clear information about climate change, in a variety of forms, can encourage individuals and communities to take action;

(6) the actions of a single nation cannot solve the climate crisis, so solutions that address both mitigation and adaptation must involve developed and developing nations around the world;

(7) investing in the development of innovative clean energy and energy efficiency technologies will—

(A) enhance the global leadership and competitiveness of the United States; and

(B) create and sustain short and long term job growth;

(8) implementation of measures that promote energy efficiency, conservation, and renewable energy will greatly reduce human impact on the environment; and

(9) education about climate change is important to ensure the future generation of leaders is well-informed about the challenges facing our planet in order to make decisions based on science and fact.

(c) AMENDMENT TO ESEA.—Title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.), as amended by section 5010, is further amended by adding at the end the following:

#### “PART J—CLIMATE CHANGE EDUCATION

#### “SEC. 5911. CLIMATE CHANGE EDUCATION PROGRAM.

“(a) PURPOSE.—The purpose of this section is to—

“(1) broaden the understanding of human induced climate change, possible long and short-term consequences, and potential solutions;

“(2) provide learning opportunities in climate science education for all students through grade 12, including those of diverse cultural and linguistic backgrounds;

“(3) emphasize actionable information to help students understand how to utilize new technologies and programs related to energy conservation, clean energy, and carbon pollution reduction; and

“(4) inform the public of impacts to human health and safety as a result of climate change.

“(b) GRANTS AUTHORIZED.—The Secretary, in consultation with the National Oceanic and Atmospheric Administration, the Envi-

ronmental Protection Agency, and the Department of Energy, shall establish a competitive grant program to provide grants to States to—

“(1) develop or improve climate science curriculum and supplementary educational materials for grades kindergarten through grade 12;

“(2) initiate, develop, expand, or implement statewide plans and programs for climate change education, including relevant teacher training and professional development and multidisciplinary studies to ensure that students graduate from high school climate literate; or

“(3) create State green school building standards or policies.

“(c) APPLICATION.—A State desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall transmit to Congress a report that evaluates the scientific merits, educational effectiveness, and broader impacts of activities under this section.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.”.

#### AMENDMENT NO. 2241

(Purpose: To amend the accountability provisions)

(The amendment is printed in the RECORD of July 14, 2015, under “Text of Amendments.”)

#### AMENDMENT NO. 2177

(Purpose: To provide for youth jobs, and for other purposes)

(The amendment is printed in the RECORD of July 8, 2015, under “Text of Amendments.”)

#### AMENDMENT NO. 2242

(Purpose: To establish a Federal-State partnership to provide access to high-quality public prekindergarten programs from low-income and moderate-income families to ensure that they enter kindergarten prepared for success, and for other purposes)

(The amendment is printed in the RECORD of July 14, 2015, under “Text of Amendments.”)

#### AMENDMENT NO. 2130

(Purpose: To amend title I to support assessments of school facilities)

On page 69, between lines 16 and 17, insert the following:

“(N) if applicable, whether the State conducts periodic assessments of the condition of elementary school and secondary school facilities in the State, which may include an assessment of the age of the facility and the state of repair of the facility;

#### AMENDMENT NO. 2215, AS MODIFIED

(Purpose: To include partnering with current and recently retired STEM professionals and tailoring educational resources to engage students and teachers in STEM)

Beginning on page 373, strike line 22 and all that follows through page 374, line 3, and insert the following:

“(C) information on student exposure to and retention in science, technology, engineering, and mathematics fields, including among low-income and underrepresented groups, which may include results from a pre-existing analysis; and

“(D) an analysis of the quality of pre-service preparation at all public institutions of

higher education (including alternative pathways to teacher licensure or certification) for individuals preparing to teach science, technology, engineering, and mathematics subjects in the State.

On page 381, between lines 18 and 19, insert the following:

“(vi) partner with current or recently retired science, technology, engineering, and mathematics professionals to engage students and teachers in instruction in such subjects;

“(vii) tailor and integrate educational resources developed by Federal agencies, as appropriate, to improve student achievement in science, technology, engineering, and mathematics;

#### AMENDMENT NO. 2222

(Purpose: To amend the State plan requirements of section 1111 of the Elementary and Secondary Education Act of 1965 in order to support children facing substance abuse in the home)

On page 69, between lines 16 and 17, insert the following:

“(N) if applicable, how the State educational agency will provide support to local educational agencies for the education of children facing substance abuse in the home, which may include how such agency will provide professional development, training, and technical assistance to local educational agencies, elementary schools, and secondary schools in communities with high rates of substance abuse; and”.

#### AMENDMENT NO. 2231

(Purpose: To support professional development to help students prepare for postsecondary education and the workforce)

On page 284, strike lines 4 through 8 and insert the following:

(xix) Supporting the efforts and professional development of teachers, principals, and other school leaders to integrate academic and career and technical education content into instructional practices, which may include—

(I) integrating career and technical education with advanced coursework, such as by allowing the acquisition of postsecondary credits, recognized postsecondary credentials, and industry-based credentials, by students while in high school; or

(II) coordinating activities with employers and entities carrying out initiatives under other workforce development programs to identify State and regional workforce needs, such as through the development of State and local plans under title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111 et seq);

On page 306, strike lines 18 through 23 and insert the following:

(U) providing high-quality professional development for teachers, principals, and other school leaders on effective strategies to integrate rigorous academic content, career and technical education, and work-based learning, if appropriate, which may include providing common planning time, to help prepare students for postsecondary education and the workforce without the need for remediation; and

#### AMENDMENT NO. 2188

(Purpose: To ensure States will ensure the unique needs of students at all levels of schooling)

On page 69, between lines 12 and 13, insert the following:

“(M) how the State will ensure the unique needs of students at all levels of schooling are met, particularly students in the middle grades and high school, including how the State will work with local educational agencies to—

“(i) assist in the identification of middle grades and high school students who are at-risk of dropping out, such as through the continuous use of student data related to measures such as attendance, student suspensions, course performance, and, postsecondary credit accumulation that results in actionable steps to inform and differentiate instruction and support;

“(ii) ensure effective student transitions from elementary school to middle grades and middle grades to high school, such as by aligning curriculum and supports or implementing personal academic plans to enable such students to stay on the path to graduation;

“(iii) ensure effective student transitions from high school to postsecondary education, such as through the establishment of partnerships between local educational agencies and institutions of higher education and providing students with choices for pathways to postsecondary education, which may include the integration of rigorous academics, career and technical education, and work-based learning;

“(iv) provide professional development to teachers, principals, other school leaders, and other school personnel in addressing the academic and developmental needs of such students; and

“(v) implement any other evidence-based strategies or activities that the State determines appropriate for addressing the unique needs of such students;

On page 69, line 13, strike “(M)” and insert “(N)”.

On page 69, line 17, strike “(N)” and insert “(O)”.

On page 772, between lines 14 and 15, insert the following:

“(47) MIDDLE GRADES.—The term middle grades means any of grades 5 through 8.”.

At the end of the bill, add the following:

#### SEC. 1020 . REPORT ON THE REDUCTION OF THE NUMBER AND PERCENTAGE OF STUDENTS WHO DROP OUT OF SCHOOL.

Not later than 5 years after the date of enactment of this Act, the Director of the Institute of Education Sciences shall evaluate the impact of section 1111(c)(1)(M) on reducing the number and percentage of students who drop out of school.

#### AMENDMENT NO. 2156

(Purpose: To amend the State report card under section 1111 of the Elementary and Secondary Education Act of 1965 to include the rates of enrollment in postsecondary education, and remediation rates, for high schools)

On page 82, between lines 23 and 24, insert the following:

“(xviii) for each high school in the State, and beginning with the report card released in 2017, the cohort rate (in the aggregate, and disaggregated for each category of students defined in subsection (b)(3)(A), except that such disaggregation shall not be required in a case in which the number of students is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student) at which students who graduate from the high school enroll, for the first academic year that begins after the students' graduation—

“(I) in programs of public postsecondary education in the State; and

“(II) if data are available and to the extent practicable, in programs of private postsecondary education in the State or programs of postsecondary education outside the State;

“(xix) if available and to the extent practicable, for each high school in the State and beginning with the report card released in 2018, the remediation rate (in the aggregate, and disaggregated for each category of stu-

dents defined in subsection (b)(3)(A), except that such disaggregation shall not be required in a case in which the number of students is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student) for students who graduate from the high school at—

“(I) programs of postsecondary education in the State; and

“(II) programs of postsecondary education outside the State;

#### AMENDMENT NO. 2232

(Purpose: To allow extended services Project SERV grants under part A of title IV of the Elementary and Secondary Education Act of 1965 to be available for violence prevention activities)

On page 431, between lines 19 and 20, insert the following:

“(e) PROJECT SERV.—

“(1) ADDITIONAL USE OF FUNDS.—Funds available under subsection (a)(4) for extended services grants under the Project School Emergency Response to Violence program (referred to in this subsection as the ‘Project SERV program’) may be used by a local educational agency or institution of higher education receiving such grant to initiate or strengthen violence prevention activities, as part of the activities designed to restore the learning environment that was disrupted by the violent or traumatic crisis in response to which the grant was awarded, and as provided in this subsection.

“(2) APPLICATION PROCESS.—

“(A) IN GENERAL.—A local educational agency or institution of higher education desiring to use a portion of extended services grant funds under the Project SERV program to initiate or strengthen a violence prevention activity shall—

“(i) submit, in an application that meets all requirements of the Secretary for the Project SERV program, the information described in subparagraph (B); or

“(ii) in the case of a local educational agency or institution of higher education that has already received an extended services grant under the Project SERV program, submit an addition to the original application that includes the information described in subparagraph (B).

“(B) APPLICATION REQUIREMENTS.—The information required under this subparagraph is the following:

“(i) A demonstration that there is a continued disruption or a substantial risk of disruption to the learning environment that would be addressed by such activity.

“(ii) An explanation of the proposed activity designed to restore and preserve the learning environment.

“(iii) A budget and budget narrative for the proposed activity.

“(3) AWARD BASIS.—Any award of funds under the Project SERV program for violence prevention activities under this subsection shall be subject to the discretion of the Secretary and the availability of funds.

“(4) PROHIBITED USE.—No funds provided to a local educational agency or institution of higher education under the Project SERV program for violence prevention activities may be used for construction, renovation, or repair of a facility or for the permanent infrastructure of the local educational agency or institution.

#### AMENDMENT NO. 2256

(Purpose: To amend the definitions of eligible technology and technology readiness survey and to provide a restriction on funds)

Beginning on page 587, strike line 15 and all that follows through page 588, line 10, and insert the following:

“(2) **ELIGIBLE TECHNOLOGY.**—The term ‘eligible technology’ means modern computer, and communication technology software, services, or tools, including computer or mobile devices, whether for use in school or at home, software applications, and platforms, digital learning content, and related services, supports, and strategies, which may include strategies to assist eligible children without adequate Internet access at home to complete homework.

“(3) **TECHNOLOGY READINESS SURVEY.**—The term ‘technology readiness survey’ means a survey completed by a local educational agency that provides standardized information on the quantity and types of technology infrastructure and access available to the students and in the community served by the local educational agency, including computer devices, access to school libraries, Internet connectivity (including Internet access outside of the school day), operating systems, related network infrastructure, data systems, educator professional learning needs and priorities, and data security.

“(4) **UNIVERSAL DESIGN FOR LEARNING.**—The term ‘universal design for learning’ has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

**“SEC. 5702A. RESTRICTION.**

“Funds awarded under this part shall not be used to address the networking needs of an entity that is eligible to receive support under the E-rate program.

**AMENDMENT NO. 2240**

(Purpose: To provide resources needed to study and review Native American language medium schools and programs)

At the end of the bill, add the following:

**SEC. 1020. REPORT ON NATIVE AMERICAN LANGUAGE MEDIUM EDUCATION.**

(a) **PURPOSE.**—The purpose of this section is to authorize a study to evaluate all levels of education being provided primarily through the medium of Native languages and to require a report of the findings, within the context of the findings, purposes, and provisions of the Native American Languages Act (25 U.S.C. 2901), the findings, purposes, and provisions of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and other related laws.

(b) **STUDY AND REVIEW.**—The Secretary of Education shall award grants to eligible entities to study and review Native language medium schools and programs.

(c) **ELIGIBLE ENTITY DEFINED.**—In this section, the term “eligible entity” means a consortium that—

(1) includes not less than 3 units of an institution of higher education, such as a department, center, or college, that has significant experience—

(A) and expertise in Native American or Alaska Native languages, and Native language medium education; and

(B) in outreach and collaboration with Native communities;

(2) has within its membership at least 10 years of experience—

(A) addressing a range of Native American or Alaska Native languages and indigenous language medium education issues through the lens of Native studies, linguistics, and education; and

(B) working in close association with a variety of schools and programs taught predominantly through the medium of a Native language;

(3) includes for each of American Indians, Alaska Natives, and Native Hawaiians, at least 1 unit of an institution of higher education that focuses on schools that serve such populations; and

(4) includes Native American scholars and staff who are fluent in Native American languages.

(d) **APPLICATIONS.**—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary of Education that—

(1) identifies 1 unit in the consortium that is the lead unit of the consortium for the study, reporting, and funding purposes;

(2) includes letters of verification of participation from the top internal administrators of each unit in the consortium;

(3) includes a brief description of how the consortium meets the eligibility qualifications under subsection (c);

(4) describes the work proposed to carry out the purpose of this section; and

(5) provides other information as requested by the Secretary of Education.

(e) **SCOPE OF STUDY.**—An eligible entity that receives a grant under this section shall use the grant funds to study and review Native American language medium schools and programs and evaluate the components, policies, and practices of successful Native language medium schools and programs and how the students who enroll in them do over the long term, including—

(1) the level of expertise in educational pedagogy, Native language fluency, and experience of the principal, teachers, paraprofessionals, and other educational staff;

(2) how such schools and programs are using Native languages to provide instruction in reading, language arts, mathematics, science, and, as applicable, other core academic subjects;

(3) how such school and programs’ curricula incorporates the relevant Native culture of the students;

(4) how such schools and programs assess the academic proficiency of the students, including—

(A) whether the school administers assessments of language arts, mathematics, science, and other academic subjects in the Native language of instruction;

(B) whether the school administers assessments of language arts, mathematics, science, and other academic subjects in English; and

(C) how the standards measured by the assessments in the Native language of instruction and in English compare;

(5) the academic, graduation rate, and other outcomes of students who have completed the highest grade taught primarily through such schools or programs, including, when available, college attendance rates compared with demographically similar students who did not attend a school in which the language of instruction was a Native language; and

(6) other appropriate information consistent with the purpose of this section.

(f) **OTHER ENTITIES.**—An eligible entity may enter into a contract with another individual, entity, or organization to assist in carrying out research necessary to fulfill the purpose of this section.

(g) **RECOMMENDATIONS.**—Not later than 18 months after the date of enactment of this Act, an eligible entity that receives a grant under this section shall—

(1) develop a detailed statement of findings and conclusions regarding the study completed under subsection (e), including recommendations for such legislative and administrative actions as the eligible entity considers to be appropriate; and

(2) submit a report setting forth the findings and conclusions, including recommendations, described in paragraph (1) to each of the following:

(A) The Committee on Health, Education, Labor, and Pensions of the Senate.

(B) The Committee on Education and the Workforce of the House of Representatives.

(C) The Committee on Indian Affairs of the Senate.

(D) The Subcommittee on Indian, Insular, and Alaska Native Affairs of the House of Representatives.

(E) The Secretary of Education.

(F) The Secretary of the Interior.

**AMENDMENT NO. 2249**

(Purpose: To amend section 1111(c) of the ESEA to require States to provide an assurance regarding cross-tabulation of student data)

On page 73, line 12, strike the period at the end and insert the following: “; and

“(N) the State educational agency will provide the information described in clauses (ii), (iii), and (iv) of subsection (d)(1)(C) to the public in an easily accessible and user-friendly manner that can be cross-tabulated by, at a minimum, each major racial and ethnic group, gender, English proficiency, and students with or without disabilities, which—

“(i) may be accomplished by including such information on the annual State report card described subsection (d)(1)(C)); and

“(ii) shall be presented in a manner that—

“(I) is first anonymized and does not reveal personally identifiable information about an individual student;

“(II) does not include a number of students in any category of students that is insufficient to yield statistically reliable information or that would reveal personally identifiable information about an individual student; and

“(III) is consistent with the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the ‘Family Educational Rights and Privacy Act of 1974’).

“(3) **RULES OF CONSTRUCTION.**—Nothing in paragraph (2)(N) shall be construed to—

“(A) require groups of students obtained by any entity that cross-tabulates the information provided under such paragraph to be considered categories of students under subsection (b)(3)(A) for the purposes of the State accountability system under subsection (b)(3); or

“(B) to prohibit States from publicly reporting data in a cross-tabulated manner, in order to meet the requirements of paragraph (2)(N).

“(4) **TECHNICAL ASSISTANCE.**—Upon request by a State educational agency, the Secretary shall provide technical assistance to such agency in order to meet the requirements of paragraph (2)(N).

On page 189, after line 23, insert the following:

“(5) Designing the report cards and reports under section 1111(d) in an easily accessible, user-friendly manner that cross-tabulates student information by any category the State determines appropriate, as long as such cross-tabulation—

“(A) does not reveal personally identifiable information about an individual student; and

“(B) is derived from existing State and local reporting requirements and data sources.

“(b) **RULE OF CONSTRUCTION.**—Nothing in paragraph (5) shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary not otherwise explicitly authorized under this Act.

**AMENDMENT NO. 2120 WITHDRAWN**

The **PRESIDING OFFICER.** Under the previous order, the Warren amendment No. 2120 is withdrawn.

The Senator from Missouri.

Mr. BLUNT. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

## NUCLEAR AGREEMENT WITH IRAN

Mr. BLUNT. Mr. President, needless to say, yesterday's announcement about our ongoing stature and status with Iran is, in my view, a dangerous step forward in advancing not only the illicit nuclear program that they have had up until now but the clear nuclear weapons capability they would have under this agreement.

I think the agreement confirms that the President was too willing to get a deal with Iran at any price. The concessions made by the administration, based on the starting point of these discussions, I believe to be stunning. All we have to do is go back and review a little bit of recent history to see that today Iran's advancement of instability, terrorism, and violence in the world continues unabated and not hampered by the agreement that has just been announced. Tomorrow, we will see all of those things still continue unabated, and unfortunately they are much better positioned and much better funded than they are right now.

Supported by Iran, Assad in Syria has been massacring his own people, resulting in the deaths of at least 191,000 people in Syria. That is according to the U.N., and those numbers were reported a year ago. Assad, by the way, stepped forward immediately to praise this agreement.

Supported by Iran, Shiite militias are continuing to support Assad and promote division and violence throughout the country of Iraq. Supported by Iran, Houthi rebels have seized key territory in Yemen and continue to work to destabilize that country. Supported by Iran, Hezbollah in Lebanon wages terrorism and calls for the annihilation. Supported by Iran, Palestinian terrorist groups in Gaza continue to lob mortars and rockets into Israel.

Last April, Iran's Islamic Revolutionary Guard Corps Navy stopped a Marshall Islands-flagged ship as it tried to go into the Strait of Hormuz. This is at a time when Iran is trying to get major countries in the world to negotiate with them.

Iran continues to hold hostages without any reasonable way of defining hostages and without any reasonable charge. They currently have three Americans held as hostages: Pastor Saeed Abedini, former U.S. Marine Amir Hekmati, and Washington Post journalist Jason Rezaian. They also remain totally uncooperative in helping to locate former FBI official Robert Levinson. When the Secretary of State was asked about why these people weren't part of the negotiations, he said: Well, this was a negotiation about nuclear weapons but not about people unlawfully and wrongly detained.

Well, it quickly became a negotiation about not just nuclear weapons but all kinds of other weapons that we have prevented the Iranians from having access to in a worldwide marketplace. That was quickly added to the topic, but we couldn't get three Americans released and find out more about one American than we know now.

The concessions laid out by yesterday's announcement were also, I

thought, pretty stunning. Concerning uranium enrichment, the Obama administration said a year and a half ago Iran didn't have the right to enrich.

In November of 2013, the Secretary of State told ABC News:

We do not recognize the right to enrich. It is clear . . . in the nonproliferation treaty, it's very, very [clear] that there is no right to enrich.

Under the agreement, Iran is allowed to continue to enrich.

As far as inspections, the President said we would have to be able to verify Iran's compliance or Iran's cheating through anywhere, anytime inspections. It is widely understood that any good deal must allow inspections—trust but verify. The President may say that is in there, but it is clearly not in there.

In fact, last April the President's Deputy National Security Advisor proudly proclaimed that “under this deal” we “will have anywhere, anytime 24/7 access” to Iran's nuclear facilities. As it turns out under this deal, inspectors will be forced to wait up to 24 days for access to suspicious sites once they ask for access to suspicious sites. That is a brand-new definition of “anywhere, anytime.” You can possibly have access in 24 days, and obviously lots of things can and would change in 24 days.

Militarily, the President said we would disclose and define the possible military dimensions of the research and where Iran's illegal nuclear program was headed. The President said this information is critical to knowing what Iran's true breakout potential and their true intentions would be. Under this agreement, however, the option of examining the possible military dimensions of Iran's nuclear program is off the table.

As far as sanctions, the administration said that removing all sanctions was a nonstarter until Iran demonstrated that it is complying with the agreement. A little over a year ago, in March of 2014, Secretary Kerry said: “Iran is not open for business until Iran is closed for nuclear bombs.” However, we know now that Iran will, in fact, be open for business much sooner than that. This deal will not only allow them to be open for business, but they will be rewarded with hundreds of millions of dollars' worth of sanctions relief and return of assets that didn't have to be returned. And under this agreement all sanctions, even those related to arms, missiles, and proliferation, will be removed—not suspended. These will be removed. We have some of the most aggressive arms suppliers in the world, and Iran is now being given access to all kinds of arms that they couldn't get legally or easily up until now.

All economic and banking sections, as well as those imposed on transport, insurance, petrochemical industries, and valuable materials will be removed.

As far as dismantling, the President said Iran would have to dismantle its illegal nuclear program. In December

of 2013, the chief negotiator, Wendy Sherman, told PBS that a final agreement should include “a lot of dismantling of their infrastructure.” Yet under this deal we are seeing that Iran's program will, in fact, almost all be preserved, not dismantled.

The length of the agreement—the P5+1 initially stipulated that Iran must accept restrictions on its nuclear program for 20 years plus another 25 years, and then later they said 20 years plus another 10 years, and finally their last offer was just 20 years, which in the end was reduced to 10 years. I think over the next 60 days, as people read the fine print of the agreement, they might find out that it is even less than 10 years, but they certainly know now it is not 20 years plus 25 years.

This is a bad deal for the United States and one that will embolden our enemies, jeopardize the security of our allies, and further lead our friends to not believe they can trust us and our enemies not to be afraid of us. In a dangerous world, what worse place could we be in than that.

The stated goal of the negotiations was to ensure that Iran never developed the capability of producing a nuclear weapon. Yet the President agreed to a deal that does just the opposite. By allowing Iran to become nuclear weapons capable and failing to provide for anytime, anywhere inspections, this deal gives Iran a free pass to cheat at its military sites with no access to U.S. inspectors.

Meanwhile, just last week Iran continued its calls for the destruction of Israel. These are the people we are allowing, through this process, to have access to more weapons and to become nuclear weapons capable. Just last week, Iran called, as it has for decades, for the destruction of Israel and “death to America.” In fact, Iran's Supreme Leader stood by, calling for the need to fight the United States even if there is an agreement. I don't know that we have ever before entered into an agreement with another country that, while we are in the agreement, says: And by the way, no matter if there is an agreement or not, we want to continue to see the United States as an enemy we need to fight.

This deal undermines the security of our friends and allies. It legitimizes Iran's unapologetic sponsorship of terrorism throughout the Middle East.

It is interesting what could be included, by the way, and what couldn't be included.

Iran has repeatedly refused to abide by international agreements that require inspection of nuclear facilities, details of facility designs, acquisition and production of nuclear materials. What makes us think Iran is going to change that behavior now? The negotiations themselves should lead us to believe the new Iran is still the old Iran.

This is a bad deal. It is a deal that just hopes that in the next 8 or 10 years

the Iranian Government totally changes, the Iranian attitude totally changes, our relationship with them totally changes, and it just hopes that in the interim—during the time we have that hoped-for change—the Iranians don't cheat. This is a hope, not a strategy, and it is a hope, not a strategy, wherein we would let the world become much more destabilized as a result.

After months of negotiations, Iran hasn't released a single American prisoner, nor have they announced any intentions to do so.

The Iranians, the Russians, the Chinese, the Syrians—or at least the Syrians who are still controlled by Assad—may like this deal, but this is a bad deal for the United States of America, it is a bad deal for world stability, and it is a bad deal for our friends.

Frankly, I think the law that Congress passed that now gives the Congress of the United States 60 days to look at it will turn out to be 60 days that the President himself is about to find out what is in the deal he and the administration signed.

This is a serious matter for every Member of the Senate.

I was asked earlier today: Are you going to lobby Members of the Senate as to how they should vote on this agreement when it comes up?

I said: I am going to do everything I can to talk about the real shortcomings of this agreement, the destabilizing effects of this agreement, but every Member of the Senate is going to have to answer for this agreement and this vote for a long time.

Members of the Senate on their own are going to have to decide what side of this to wind up on. I predict that a majority—and maybe a substantial majority—of the Senate will wind up understanding that this is a bad deal for America and a bad deal for the future of the world's security.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2241

Mr. BENNET. Mr. President, as we wait for colleagues to arrive to the floor, I thought I would take a few minutes to speak a little bit about accountability in this bill.

As we know, the No Child Left Behind legislation and now this new version of the Elementary and Secondary Education Act require annual tests. They are not popular.

I believe we are overtesting kids in this country. It is not the Federal requirement that is causing that; it is the relationship of the Federal requirement to State and local tests that are administered, so that by the time we

get to the classroom inhabited by one of my three daughters who go to Denver's public schools, for example, kids end up spending too much time being tested. Part of that is because we haven't done a good job, I don't think, of distinguishing between tests that are used for accountability purposes—how is the school doing growing kids—and tests that are used for teaching and learning purposes, which are assessments that have to happen all the time during the school year. When I was in school, we called those quizzes, and we dreaded them, just as people dread them today. That was the way teachers were able to keep an eye on how students were doing in their classroom throughout the year so they could course correct, so they could make changes based on the individual needs of the kids in their classroom.

Teaching and learning and accountability aren't the same things, and I think we put too much freight on some of these assessments. I hope what we are going to see as we come out of this new reauthorization is an understanding about the importance of the accountability—why we have it—and better implementation of tests at the State and local level.

There is no reason for the Federal Government to be involved in education, really—only 9 percent of what we spend is Federal money, and the rest of it is State and local money—except for one reason. The civil rights imperative in this bill and that is at the heart of this bill has said to us that we just can't look the other way when it comes to kids of color and kids living in poverty in this country, which we did for decades—for decades—without knowing where we were headed.

The one great benefit of No Child Left Behind is that it required that data about kids living in poverty, kids of color, kids with special needs, and English language learners as well be published so we could see the huge gaps that exist all across this country in educational attainment. We can't go backward on that. I agree that allowing States to have more flexibility in the design of these systems is important. It is an important step forward in this bill.

As I mentioned yesterday, when I was the superintendent of the Denver Public Schools—the best job I ever had; I had that honor—I used to wonder all the time why people in Washington were so mean to our teachers and to our kids. I got here and I realized they weren't mean, they just have absolutely no idea what is going on in our schools and our classrooms. Where the Presiding Officer is right now, right here, in this place—and I mean this literally—is as far away as one can get from a school or a classroom in this country and still be in this universe. We are very distant. We may think we know what is going on there, but we don't know. This institution doesn't know.

While I, as that superintendent, have developed a very strong view that I

didn't want to be told how we should do things by Washington, and I didn't want Washington telling my teachers how to do things, our principals how to do things, kids and families how to do things, I think it is important and imperative that we have a national expectation for what kids ought to be able to do at certain grade levels and that we have a national imperative around the achievement gap in this country.

We also have a national imperative—people may not like to know this—to figure out how we are going to replace the 1.5 million teachers we are going to require in this country over the next several years.

Those are all issues of national concern, but our federalist system tells us there are certain responsibilities assumed by the States and certain responsibilities assumed by the Federal Government, and we have gotten that twisted up when it comes to education. So I think that is an important step forward, that we are not going to be telling people how to do it, but we need to remind people that they need to do it.

It is not OK that we live in a country where if you are unlucky enough to be born poor, your chances of getting a college degree or its equivalent are roughly 9 in 100. That is not OK. That is a matter of national concern. That is why the accountability provisions in this bill are so important. To be honest, that is why the annual testing is so important, if it is done wisely and well and if the data is used in a thoughtful way to measure student growth.

No Child Left Behind not only was a huge overreach by the Federal Government, it also asked and answered the profoundly wrong question. It asked: How did this year's group of fourth graders do compared to last year's fourth graders? That is how we evaluated schools, on that basis. That is crazy. They are not the same kids. The question we should be asking and the question we are asking now in many States and in many communities across the country is this: How did this group of sixth graders do compared to how they did as fifth graders compared to how they did as fourth graders and then compared to all the kids in the State—this is the way we do it in Colorado—who had a statistically similar test history. That reveals a lot of information.

For No Child Left Behind, we used to have a matrix in Denver, and it was four squares, and in the upper right-hand corner was—well, there are two measures; one is growth and one is status. How much did you grow this year? It would be like saying, how much weight did you gain or lose this year, versus status, which is, how much did you weigh? What is your achievement level? Those are two different ideas.

In those four boxes I mentioned earlier, in the upper right we had high growth, high status schools, and in this corner we had high status but low growth schools. Those are schools we

called excellent schools under No Child Left Behind. Those were blue ribbon schools even though kids were losing ground in those schools. They arguably shouldn't have been because those schools didn't have the struggles schools have with kids living in poverty. Those were blue ribbon schools. Those are schools where we were telling moms and dads and kids that everything is fine, even though kids were losing ground when they showed up at the schoolhouse door.

The reverse was also true. The reverse was also true because we were saying to schools that were below the threshold of high status—low status schools—that they were failing schools even though they might have been schools where what we were seeing was 2 years of growth for kids who had started out way behind because they had come to kindergarten with that stubborn word gap, that 30 million word gap that kids have who are living in poverty and are showing up in kindergarten. By the way, we are not doing anything, almost, as a country to deal with that problem.

As I mentioned yesterday, we are having a debate in Washington about income redistribution sometimes. We have a discussion about what the Tax Code should be, and there are people here who believe that it shouldn't do anything. That is a principled position, but if that is a person's position, they better be working day and night to make sure every single kid in America has access to high-quality early childhood education. We better make sure every kid in America has access and a choice to go to a high-performing K-12 school. And we better make sure we are doing everything we can to make it easier, not harder, to go to college to get a higher education degree because this unforgiving international economy is not going to change its mind about whether a high school degree is enough or dropping out of high school is enough.

We need to be focused on education in this country. It is the single most important public good we provide domestically. If a person asks me as a parent what I would take a risk on for my kids, the No. 1 thing I wouldn't take a risk on is their education. That is how we ought to be feeling about all of the kids in the United States of America. We should stop treating America's children as though they are someone else's kids. They are not someone else's kids; they are our kids. And if we extrapolate the academic outcomes that we are seeing in this country, the college graduation rates we are seeing, the high school graduation rates—if we extrapolate those against the changing demographics in the United States, we are not going to recognize ourselves in the 21st century.

When we constrain a child, a human being, an American citizen to the margin of this economy or the margin of the democracy simply because they are born into poverty and we can't do the

work to provide a high-quality education, that is all the evidence we need that we are treating people as though they are someone else's kids. That is why, by the way, there is more we need to do on accountability.

I feel as though we have made good progress with a lot of this bill, and I am extremely grateful for the leadership of Chairman ALEXANDER from Tennessee and the ranking member of the committee, Senator PATTY MURRAY, and I am pleased to see that the bill passed out of committee unanimously. Remember, ESEA is fundamentally a civil rights law. We should measure growth. We should identify the bottom 5 percent of schools in this country. We need to ensure that subgroups and high-performing schools are not left behind. And that is the power of the data that is collected, and that is the power of what is called the disaggregation of that data so that we can see outcomes.

I see my colleague from New Jersey is here. Through the Chair, I would ask if he wishes to speak, and if so, I will stop. I was filling time. I do want to talk about the comparability loophole, but I will come back to that and yield to my colleague from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I am grateful to Senator BENNET. Senator BENNET and I met around education issues. Senator BENNET led the largest public school system in the State of Colorado. Senator BENNET has been in the weeds of education for years, if not decades.

I am grateful that Senator BENNET began his remarks by saying all of the things that have been wrong with No Child Left Behind. That was a bad piece of legislation. We saw the aspects of it that were causing problems and that have created a bipartisan push to fix them.

I want to give credit to Senator LAMAR ALEXANDER and Senator PATTY MURRAY for joining together and doing the things necessary to improve the bill. The culture of education has shifted in this country, from high-stakes testing to looking at measures that made no sense to creating artificial deadlines that could not be met or even doing things that undermined the very goals and aspirations that we have for our country, which is to lead the globe in educational excellence.

So, I am encouraged by Senator BENNET and myself and the majority of this body who agree that this legislation needs to be changed. It is a left-right coalition that is encouraging to me.

But I want to echo Senator BENNET's concerns about a problem that is not being addressed—that as the pendulum swings away from the problems of No Child Left Behind, we not create new ones that cut against the very ideals with which this legislation was put in place by Lyndon Johnson. Lyndon Johnson said clearly that this was a

bill to bridge the gap in this country between help and the helpless, for those children who are suffering on the educational margins of our society, drowning in the eddies of educational lack of opportunity, caught in the quicksand of poverty and race, and with challenges that undermine and contribute to the dysfunction and inequality in our Nation. This was to be the bridge. It is why this body acted under President Johnson.

So now, Senator BENNET, I have a distressed heart, because what this amendment we are trying to put forward does is to allow us to get to a point where we are now not even putting a spotlight on where we are failing to live up to our values. This amendment calls for us to at least acknowledge that there are children in our country who are stuck in so-called dropout factories, children who are perpetually underachieving, and schools that are failing the genius of our children. What this amendment was seeking to do was to say that we cannot ignore our children, we cannot turn our backs on these children, we cannot turn over and say it doesn't exist, because we do have a problem in our Nation. What anguishes me about this problem is that the children we are turning our backs on and not focusing on are children that are poor and children that are disproportionately minority.

To paraphrase Martin Luther King, he said that what we will have to repent for in this day and age is not the vitriolic words and actions of the bad people but the appalling silence and inaction of the good people.

I hear time and again that we love our children in America. Well, if we love them, we should do something about the challenges that are afflicting a small percentage of our kids who do not get the educational environment they deserve. This is a peculiar form of American insanity—insanity being defined as doing the same thing over and over again and expecting different results. We are not going to change this problem of perpetual failure in too many of our schools that affect poor and minorities by not having some attention to that problem.

Let's be clear. We have learned lessons. This amendment No. 2241, the ESEA accountability amendment, does not do the things that this body in its majority thinks should no longer be done by the Federal Government.

Let me be clear. This amendment does not reinstate any type of adequate yearly progress, or AYP. In fact, the underlying bill is repealed. AYP is repealed. It does not establish artificial deadlines such as No Child Left Behind did, saying that all children will be proficient by 2014. It does not establish Federal goals for our students. States will have the prerogative to set their own. It does not impose test-based accountability on States. States must include a range of factors in their State-designed accountability systems. It

does not require schools to implement a one-size-fits-all intervention. Local districts will design the intervention for underperforming schools.

This legislation is not prescriptive. This legislation is not Washington telling local districts what to do. This amendment does not design programs. It simply says that there must be a commitment made when there are these dropout factories and when there are these populations that are not being served to ensure that States identify certain low-performing schools so that students in these schools receive the support they need.

It would require locally designed, evidence-based interventions to schools identified in the following categories: the lowest performing 5 percent of our schools; high schools where less than two-thirds of students graduate; and schools where subgroups, including low-income students, students of color, students with disabilities, and English learners miss State-established goals on multiple measures for 2 consecutive years. This amendment says that we cannot ignore those children whom we are failing to serve, and that we can't turn our back on these kids.

We salute this flag and say "liberty and justice for all." Well, every issue that I hear discussed in this august body cannot be dealt with unless we deal with all children. The achievement gap in America will not be addressed unless we focus on all children. The poverty gap in America will not be addressed unless we focus on all children. The opportunity gap in America will not be addressed unless we deal with all children. Issues that I am passionate about such as mass incarceration will not be addressed unless we focus on all children. And the competitive economy—the productivity of our Nation—will not reach its full strength unless we focus on all children.

So I am distressed today that this body will put into place a piece of educational legislation that ignores the very children to whom this original legislation was dedicated to serving years ago. We cannot be a great nation if we have parts of our country—be they neighborhoods or schools—that fail to experience what should be the bedrock of our country: equal opportunity, a great education, and the opportunity to succeed through one's grit, sweat, and hard work. We don't have that now.

If we in this body create legislation that pours millions of dollars into the States and then say that if States choose to ignore these kids, if States choose to turn their backs on the children who need them most, if States don't even want to put forward an idea of how to address this persistent problem, and we are OK, then to me we belie the oath we took, the pledge we gave to bring justice to all children.

We speak of accountability in this country. Well, we should be accountable to the government dollars that we spend for America. We should be accountable for the ideals of this Nation.

So I hope I can get my colleagues to support this bill that Senator MURPHY and Senator BENNET are leading so well. I hope we can stand up in a chorus of conviction in this body, saying that every single child—no matter what station in life, no matter how poor your parents are, no matter what your background, color, creed or religion—can have hope and opportunity in our public schools.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I thank Senator BOOKER.

I see the Senator from Pennsylvania is here. The Senator from Connecticut is here, and I want to thank him for his leadership and how he has stuck with it week after week after week.

I want to say to my friend from New Jersey, through the Chair, how much I appreciate his words and his aspirations for our country, because we are falling down on the job.

We have issue after issue after issue that comes here to the Senate floor—sometimes resolved, sometimes not. Education almost never is in front of us.

I sometimes hear people say this, and it rattles me when I hear them say it. Sometimes people say: MICHAEL, don't you know that not everybody is going to go to college? Don't you know that not everybody is going to go to college?

That is OK with me as long as it is their decision that they are making and that they are an educated 12th grader but they are deciding not going to go to college. That is the decision they are making.

But the reality is that it is not that we are sort of, kind of getting it right when it comes to kids in this country. Let's do the math. If you are born poor in the United States, because of the way our K-12 system works in access to higher education, you stand a 9-in-100 chance of getting a college degree—not an 80 percent chance, not a 75 percent chance, but 9 in 100.

If we were poor kids in this place instead of Senators, it would be those desks in the front row, the desks in the row behind them, and three desks in the next row. The entire rest of this Senate would be a sea of people without a college degree. That is the condition for poor kids living in the United States of America. That is the circumstance they face. We have to start believing there are kids—they are not someone else's kids. We learned for the first time a month ago—this is not a measure of poverty in the same sense that I was just using the word, but for the first time in this country's history, over half our public school children are poor enough that they qualify for free and reduced lunch.

We did not change the standard for free and reduced lunch. That is the effect of 20 years of an economy that is not driving middle-class wages up and the worst recession since the Great Depression. So at every level from the schoolhouse door to the floor of the

Senate, this ought to be our No. 1 priority. Because as the Senator from New Jersey said, all the other stuff that we want to fix—he mentioned what we need to do with sentencing reform.

Eighty-five percent of the people in our prisons are high school dropouts. That tells you something about what you might do to cure that problem. This ought to be our No. 1 issue. It ought to be our No. 1 here, and it ought to be our No. 1 issue at home.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Before our leader on this amendment speaks, Senator MURPHY, I do want to echo what Senator BENNET said. He has been leading this charge in a bipartisan manner, pulling people together trying to get this across. I just want to echo that last point that Senator BENNET made. We as a nation have this ideal that America is the best country if you are poor to be born into; that you can make it here. This is the country—Statue of Liberty, give us your tired, your hungry, the wretched refuse of your teeming shores. This is the country you can make it in.

Well, unfortunately, in social mobility, which is a measurable index—the ability for somebody to make it out of poverty into the middle class—we have fallen. We have fallen on that list compared to our peers from other nations. If you just have the simple goal of making it out of poverty, America is no longer the No. 1 country to do that.

The principle reason for this is that the tried and true pathway to the middle class must be the schoolhouse door. That path must lead through educational systems. If our children don't have that access or if we leave some children behind, we shut those doors to quality education. Then it is an affront to the very ideal of the American dream, and we are failing the purpose, the greatness, the glory that is America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2247, AS MODIFIED

Mr. TOOMEY. Mr. President, I rise to speak on an amendment that is offered by the senior Senator from North Carolina. It is an amendment that would change the formula for how title I funds are allocated among the States. So first by way of background, title I is the largest category of Federal financial assistance for K-through-12 education. So we are talking about a large pot of money. This is the biggest single source of Federal funding for primary and secondary education.

Under current law, the formula for how that money is allocated to the school districts is based on two things. It is based on the number of children who live in poverty in these respective districts, but it is also related to the average amount that the various States spend on education. So let me

be very clear. It is not a single, uniform amount per student. It was never meant to be. It still is not.

There is a reason for that. The reason is it is meant—this correlation to not only the number of kids in poverty but also the amount of money States spend on education is designed that way in order to reflect the fact that there are different costs of living in different States. Nobody would dispute that, I don't think. In some States, the real estate on which you build the school is more expensive. Some States have a higher general wage level, so teachers get paid more. States just have different expenses.

In addition, there is an incentive element. The incentive is, for States that are willing to commit more resources—that means taxing their residents more to fund education—then there is that little bit more that comes from the Federal Government. So this is a finite amount of money. What this amendment goes to is the question of how does this get allocated? The amendment originally offered by the senior Senator from North Carolina was very troubling to me because it would profoundly change the formula effective immediately. This is a zero-sum game. So some States would win a lot, other States would lose a lot. Pennsylvania stood to lose a lot of funding under the formulation that was originally constructed for this amendment—the gist of it being to convert the funding to an almost uniform amount per student.

I can assure you, I was hearing loudly and clearly from the folks who run especially the large school districts in Pennsylvania about how concerned they were because it was a multi-million-dollar-per-year hit that they were going to take. I spoke with Dr. Hite, who is the superintendent of Philadelphia schools, and Dr. Lane from Pittsburgh school district, as they would have been hit the hardest in the Commonwealth of Pennsylvania.

In total, had the original amendment become law, it would have cost Pennsylvania over \$120 million per year. Every one of Pennsylvania's 500 school districts, except one, would have lost money. So 499 school districts would have had to do with less and one would have had a little more. Many of them would have lost huge amounts of their funding.

I first want to say I appreciate the fact that the Senator from North Carolina and other Senators worked with my office and other offices across the aisle to take a different approach. So the original amendment is no longer under consideration. My understanding is the unanimous consent agreement which was struck earlier abandons that approach, but it does still have an element of that direction that does concern me.

I want to touch on that. So here is my understanding: Under the form that the amendment now takes, and which we will be voting on maybe later today, the current levels of funding will con-

tinue under the current formula. In fact, that funding level, as it naturally tends to grow each year because the Federal Government increases funding in this—for a while, that growth will also occur according to the current formulation. But at some point in the not-too-distant future, the total spending on title I funding will reach about \$17 billion—now it is about 14.5. When it gets to \$17 billion, from that point forward, prospectively, the increments each year will then be allocated according to the new formula, which is, by the design, the same design as the original amendment, which is nearly uniform spending per child, disregarding, in my view, the important consideration of the different costs of living in the various States.

So this is a huge improvement, from my point of view, over what we were looking at before. Pennsylvania will not have a dime cut from its spending. The formula does not change next year or the year after. I am not sure exactly when we will reach that \$17 billion figure. But at some point, if this amendment passes, this reformulated amendment from the senior Senator from North Carolina, if it does pass, then at some point we start to move incremental funding into this sort of uniform formulation, rather than the current formulation where we take into account the varying costs of education. So while this is a huge improvement over the original version of this amendment, it is still something that I think is very problematic and so I will be voting no on this.

I would just summarize by saying that I think the amendment is mistaken in two respects: One, it fundamentally fails to recognize the varying costs of living in varying States. That is a very big difference. Secondly, it penalizes those States that are willing to ask their citizens to invest more in education by eliminating the current mechanism. So I would urge my colleagues to vote no on that amendment.

I yield the floor.

Mr. MURPHY. Mr. President, I thank my great friends Senator BOOKER and Senator BENNET for their passionate and moving remarks about the task ahead of us, to make sure that as we reauthorize No Child Left Behind, as we reorder our priorities, that we remember that this law is an education reform law, but it has to be a civil rights law as well. It has to make sure that in the best traditions of this country, we are requiring that every single child gets a quality education.

I want to talk about my amendment that is cosponsored by Senators BOOKER and WARREN, COONS, DURBIN, MIKULSKI, and others. I want to start by telling a story that is, unfortunately, not unfamiliar in probably every corner of this country. I am going to talk about a 16-year-old African-American boy, an eighth grader in an urban middle school in Connecticut. I will call him James for today's purposes.

James had a habit of walking out of class in the middle of instruction. He walked out of class and he would wander the hallways until he would eventually run into a teacher, an administrator, a school resource officer, who would haul him down to the principal's office. His grandmother, who was his primary care giver, would get a phone call. She would come pick him up and then the suspension proceedings would start.

James would get suspended for a few days. He would come back, and the whole cycle would play out again, such that by the middle of his first semester of his eighth grade year, he had been out of school—suspended—more days than he had been in school. One day he was so frustrated when an assistant principal stopped him, once again, as he was wandering the halls that he had an argument. He was a big kid for his age, but he was a total teddy bear. He never hurt anybody. But that day when he talked back to that assistant principal, they called the police and James got arrested. Now he has a criminal record. But the reason he was walking out of class day after day, week after week, was pretty simple: James was an eighth grader who could not read—he could not read. He could barely read. So he had this toxic mixture of frustration and embarrassment every day that he sat in class such that it had no relevance to him and he walked out.

The worst of it is that the school knew he could not read because he had an identified learning disability. It was not a mystery. Yet James got promoted year after year because it was easier to pass him along, easier to push him out, as the suspensions and eventual arrest were on their way to doing, rather than actually give James an education. Now, I only know this story because my wife, who was then a legal aid lawyer in Connecticut, represented James. His grandmother, who just wanted James to get a decent education, would call my wife in tears every time James was found in the hallway and suspended again and again.

My wife actually got the services James needed. But James' story is not unique. Most kids do not have legal aid lawyers fighting on their behalf. Most kids in James' situation have the deck stacked against them: disabled kids who are hard to teach, poor kids who are warehoused in failing schools, Black and Hispanic kids struggling to overcome generations of discrimination.

They do not all have lawyers. They have us in the Congress. This place, Washington, DC, has had its finest moments when it stands up for educational civil rights: the idea that a child in this country should get a quality education no matter their race or their address or their disability. Whether we like it or not, there are these political pressures in America that cause minority kids and disabled kids and poor kids to get an education

that is not equal to that of their White or nondisabled or more affluent peers.

The facts are just very stubborn. I can't say them any better than Senator BENNET did earlier today. Today, half of African-American and Latino fourth grade students score below the basic level of reading that we expect of our students. Just one out of every seven African-American eighth grade students scores at a basic proficiency level in math. Nationally, 70 percent of students who attend high school with low graduation rates come from low-income families. These statistics, they represent a stain on the conscience of our Nation.

If this body wants to stay true to its history of standing up for educational civil rights, then we have to make a stand this week to make sure this Every Child Achieves Act ensures that minority and poor and disabled kids get a fair shot at a good education.

Now, right now this bill does not meet this test. That is why the Nation's leading civil rights organizations, from the NAACP to La Raza, to the Urban League oppose this bill in its current form. It is why they have joined together with business groups who want to make sure our educational system stays competitive for everyone, to propose a fairly simple solution to a problem that is also fairly simple.

So this bill requires that schools continue to assess student performance while getting rid of those annual high-stakes tests that were unquestionably bad for schools and for students. No Child Left Behind was a bad bill for my State and for the Nation. So I am glad Senators MURRAY and ALEXANDER have come together to create something better for our kids.

The bill requires that States track results by what we call subgroups: minority students, disabled students, poor students, and non-English-speaking students. But the problem is that when the schools are failing or when minority or disabled students are falling way behind their peers, the bill doesn't require or even ask States or school districts to do anything to fix it—nothing. As a civil rights matter, that is unacceptable.

No Child Left Behind said a lot on this issue, and most of it wasn't helpful or productive. NCLB made the measurement of schools and subgroups a test and only a test. NCLB prescribed in a detailed way what schools had to do to turn around student outcomes, and NCLB punished schools that didn't turn around those outcomes quickly enough.

We have learned a lot from that backwards approach, from this "Washington knows best" attitude. That is why the amendment we are offering today takes a very different approach to accountability for vulnerable kids. Under our amendment, States are required to identify the bottom 5 percent of performing schools according to their measurement of performance; they have to identify the dropout fac-

tories—the high schools where fewer than two-thirds of the students are graduating; and then they have to identify, again according to their own measurement, schools where subgroups of students—low-income students, students of color, students with disabilities, English learners—aren't meeting their own set of criteria.

This amendment ensures that schools are identified based on a measurement that is set by the State, not by Washington, and it has to include multiple measures, not just test scores alone. Let me say that again. The measurement is determined by the State, and it cannot be based on test scores alone.

Then the amendment says that once you have identified those schools or those student groups who are in need of improvement according to your own measurements, then the State needs to come up with a plan to improve outcomes. Period. Stop. Identify your achievement gaps according to your own comprehensive measurements and come up with a plan to fix the gaps. There is no federally dictated measurement, no federally set intervention, no Federal penalty if you don't succeed. Just identify your problems and come up with a plan to make the problems better. The accountability will then happen naturally, as students and parents and community members have input into that plan and the ability to watch to see if it is working—local solutions, local oversight, local accountability.

In 2006, as a candidate for Congress, I excoriated No Child Left Behind wherever I went. I come from a family of teachers, and I married a former teacher. Now I have two kids, one in the public school system and one on his way there. And I watched firsthand as NCLB failed teachers, parents, and students.

But about a month or so after I was sworn in to the House of Representatives in 2007, I received a visit from the Children's Defense Fund. They had heard how vocal I was in my criticism of the law, and they just wanted me to know that not every State was like Connecticut. They told me stories of places where prior to NCLB kids with disabilities were sent for half a day of "vocational training" with the janitor. Nothing was expected of those kids, and more often than not those kids lived up to the low expectations that were set for them.

So maybe the only redeeming quality of No Child Left Behind was that it did expose these inexcusable gaps in performance between disabled and non-disabled kids. It forced States to talk about why Black students year after year were 30 percent behind their White peer students in achievement tests. It caused embarrassment for school systems with schools where the majority of kids got so little out of school that they dropped out before graduation. And it put pressure on all of us to do better.

This is an education bill, but it is not a worthwhile bill unless it is also a

civil rights bill. Every single child, no matter their race or their geography, their income or their disability, deserves a first-rate education.

I urge my colleagues to join me in supporting this vital amendment that continues our march away from the stringent, inflexible requirements of No Child Left Behind, while ensuring that all of our students receive the support they need to be successful.

I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise today to talk about a couple aspects of the legislation. I will do it in summary form. I will submit a longer statement for the RECORD.

First, I wish to say how much I appreciate the work that has been done not only this week but over many weeks and months that led up to today. We were working a number of months ago on the Health, Education, Labor and Pensions Committee to get a bill out of the committee. After it was completed, of course it looked easy, but I know how hard Senator ALEXANDER, the chairman of the committee, and Senator MURRAY, the ranking member, worked to reach this point. The vote that day was 22 to 0, and now we are considering the bill on the floor. So that is significant and noteworthy, especially in these times in the Senate.

I just wanted to talk about a couple of aspects of this legislation.

For far too long, States have had to deal with the uncertainty of Federal waivers. One aspect of the legislation we are focused on is that we need one law that provides States and districts with more flexibility.

We hear all across the country—I certainly heard it in Pennsylvania—that among the concerns people had was a lack of flexibility, sometimes a one-size-fits-all regimen that came from Washington. So that flexibility is important. We also want to make sure we are recapturing the original intent of the Elementary and Secondary Education Act—to protect our most vulnerable students.

The bill acknowledges the anxiety students, parents, and teachers often feel about testing, but it also realizes and contemplates that we must at the same time have a way to determine what students are learning each year. So I am pleased to see that the legislation strikes the balance by maintaining annual testing while taking significant steps to reduce the high-stakes nature of the testing.

So while there is more work to be done to ensure that all our children have access to high-quality early childhood education, I am encouraged that the bill builds on decades of research on early learning by requiring that States align their early learning guidelines with their kindergarten through 12th grade standards. So this change will help educators from Head Start, childcare, and other early childhood

education programs in elementary schools work together so young children have a successful continuity of learning over time that sets a strong foundation throughout the kindergarten through 12th grade years and beyond. That is something I pushed for over many years in the so-called Continuum of Learning Act, and I am pleased it has been included in the bill.

Mr. President, I wish to move to two other topics. I know we may have limited time. The first is on the question of bullying, which we have begun to address in the debates we have had leading up to this legislation. We had a vote yesterday on Senator FRANKEN's Student Non-Discrimination Act. I supported that, and I commend him for his work, but even with that vote, we have a long way to go on this issue.

Bullying, of course, is not what my generation understood it to be. It is a much worse problem today. It is more severe, it is more damaging, and it is destroying lives all across the country.

More students than ever are not in school every day for one reason—bullying, because of the impact bullying has on their lives. If a child is gay, lesbian, bisexual, or transgender, they are often and disproportionately the victims of bullying. If a student has a disability, he or she is often the victim of bullying, and again it is disproportionate. So students are more likely to be bullied if they are disabled, if they have a disability, or if they are gay, lesbian, bisexual, or transgender. That is an abomination. That is an insult to our country. Unless we begin to do something about this, we will still see those numbers soaring.

Bullying, of course, is the ultimate betrayal. It is a betrayal by adults with regard to children, and it is a betrayal of everything we claim to stand for in America because we say to our children, "If you go to school every day and study hard and go to class and do your homework and study hard for tests and quizzes, you will succeed," but, of course, often children are betrayed because in between there, they are bullied. When they go home, they are bullied. When dinner is over at night, they are bullied. All throughout the night they are bullied often because of technology and because of vicious students who go after one student and use social media or other tools to harass and bully that person. We have to do something about this. We have to do more than just debate it and talk about it. We need to do something.

I am hoping that some of the efforts I have undertaken in my legislation will be the subject of not just more debate but more action, progress, and results when we get through the conference committee because I think this overall legislation should reach the point of getting to conference.

I am going to conclude because I see our chairman, who wants some time before we start.

Mr. ALEXANDER. I am fine.

Mr. CASEY. Thank you.

I wish to give one example of a particular individual—a real-life example of what bullying means, and I will have some comments as well about pre-kindergarten education.

This is a real-life story. Brandon Bitner, 14 years old, of Mount Pleasant Mills, PA, walked 13 miles from his home on an early Friday morning in November of 2010 to a busy intersection and threw himself in front of an oncoming tractor trailer after leaving a suicide note at his home. That is what happened to a 14-year-old Pennsylvanian. I cannot even imagine the horror of that, what led to that action he took when he took his own life. It is, unfortunately, not an isolated example. There are too many of these today. There would be too many if there were one, but unfortunately there are many more than one.

So there seems to be little doubt in our minds and certainly in the minds of those who knew Brandon why he did what he did on that day in November of 2010. I am going to quote a friend, Takara Jo Folk. Here is what Takara said: "It was because of bullying." That was written in a letter to the Daily Item, a newspaper in central Pennsylvania.

Quoting again from that letter:

"It was not about race or gender, but they bullied him for his sexual preferences and the way he dressed. Which," she said, "they wrongly accused him of."

Brandon's suicide note reportedly explained that he was constantly bullied at Midwest High School in Middleburg, where he was a freshman. Bullies at that school allegedly called Brandon names—names which I will not repeat on the floor of the Senate. He stated in the note that a humiliating event in school this past week was the "straw that broke the camel's back."

Brandon was an accomplished violinist, having been a member of the Susquehanna Youth Orchestra in 2009, the year before he took his own life.

That story, unfortunately and tragically, is emblematic of the problem. We read these stories all the time. They may not be every single day and in every single newspaper, but not more than a week can go by in the United States of America where you don't read something like that.

I have others I could read as well, but I think folks within the sound of my voice know this. We all know this. So what are we going to do about it? Well, we all have a role to play. Parents have to do a lot more. Parents haven't done enough. Public officials haven't done enough. Schools haven't done enough. You could go down the list. At a minimum—and that is why I introduced legislation that we want to get back to; we want to be able to reach consensus—at a minimum, we should say to school districts: Look, if you are getting Federal money and you don't have a policy in place that deals with bullying and harassment and you don't specifically define or list or enumerate

what is unlawful conduct, what is prohibited, then there should be a consequence for that. You should have to prescribe what is wrong by way of a set of rules, a code of conduct. You should enforce it. And you should keep data. If we take those kinds of steps, at least we can say that in a school or a school district, there is a heightened consciousness about this problem and that it is everybody's problem. This isn't just the problem of the person being bullied and the person engaging in bullying; it is the problem of all of us, whether we are parents, taxpayers, public officials, or whatever. We all have an obligation.

So I hope we can get back to this, in addition to continuing the good work Senator FRANKEN and others have started, because this is a betrayal. It is a betrayal of our children. And we are all diminished by our allowing this problem to persist.

The only good news here—and it is significant—is that in a lot of places we have parents who are taking responsibility, teachers, school administrators, school board directors, and of course students themselves taking on the responsibility of making sure in their school there will be zero tolerance for bullying, the best that they can implement that kind of a policy. So we have students who are working with other students to resolve disputes, to help someone who might be a victim before something goes wrong and someone becomes a tragedy after being a victim of bullying. So we have ways to go on this issue, and we have more to do.

#### AMENDMENT NO. 2242

Let me conclude with some thoughts about what we will likely be voting on tomorrow, which is prekindergarten education. It is a very rare vote on the floor of the Senate where the entire Senate will cast a vote on a very basic program—a program to make sure that if a State wants to join together in partnership with the Federal Government to build upon, expand, enlarge, or even start from scratch an early learning, prekindergarten program for 4-year-olds, this legislation will give them that opportunity. This is paid for. We have an offset for the cost of it.

This is the right thing to do for 3 million American children, meaning that if this prekindergarten education program were enacted and if every State took advantage and implemented this program, 3 million children in the country would have prekindergarten education, 93,930 in Pennsylvania alone. The State of Texas, for example, upon passage of this kind of a program into law, will have the opportunity to have 300,000 children get the benefit of early learning.

Let me say finally that this is not just any program; we want high-quality early learning. All the experts know, have known for years, and have told us for years what works. If there is a high-quality program, a child will learn more now and he or she will earn

more later. It is not just a rhyme, it is the truth. We have 50 years of data making that direct linkage between learning and earning, and all we need to do is give States the opportunity to work with us to develop a nationwide strategy so that the United States can say we are preparing not just our children for that bright future we hope they have but that we are preparing our workforce and our economy. When you make that linkage between learning and earning, you are literally not just improving the life of that child, but you are improving our economic prosperity as well. I think our economic destiny is tied to these kinds of strategies.

So we have a long way to go to get there, but tomorrow we should have a vote, and I am looking forward to that.

I also again commend Senators ALEXANDER and MURRAY for their work on the legislation overall.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. ALEXANDER. Will the Senator yield for a moment?

Mr. SANDERS. Of course.

Mr. ALEXANDER. Mr. President, for Senators' information, I will be talking to Senator MURRAY in the next few minutes, and there is a good possibility we will have votes beginning at about 3 o'clock. But I will have more to report, hopefully, after the Senator from Vermont makes his remarks.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2177

Mr. SANDERS. Mr. President, one of the amendments that will be offered is an amendment I have submitted regarding a major crisis in this country that we don't talk about enough, and that is the frighteningly high rate of youth unemployment in America.

I am delighted that the Elementary and Secondary Education Act is on the floor for debate today, and I thank Senator ALEXANDER and Senator MURRAY for their hard and constructive work on this important piece of legislation. In my State of Vermont, we have held town meetings on No Child Left Behind, and the people of Vermont want to leave No Child Left Behind very far behind. They want to get rid of it. They feel it has not been productive for our kids, and I think that sentiment exists all over the country. If we go forward on this legislation, I think we will be taking a very important step forward for the children of America.

When we talk about the needs of our young people, it is not just a dysfunctional child care system we talk about and the need to make sure working families all over this country have good-quality, affordable childcare; it is not simply that college is increasingly unaffordable for millions of working-class families; it is not just that the United States, tragically and embarrassingly, has the highest rate by far of childhood poverty of any major indus-

trialized country on Earth. We talk about the future. We talk about family values. But the truth is that we have significantly ignored the needs of our children, and that is not what a great nation does—not a nation that looks forward to the future.

This country has to come to grips with the reality that we have not just a high rate of youth unemployment but a tragically high rate of youth unemployment in this country. This is an issue we don't discuss. It is literally swept under the rug. We have to bring it out in the open, we have to discuss it, and we have to address this issue.

Last month, the Economic Policy Institute released a new study about the level of youth unemployment in this country. This study took a close look at census data on unemployment among young people between 17 and 20 who are jobless, those who are working part time when they need a full-time job, and those who have given up looking for work altogether. The results of this study should concern everybody in our country and every Member of the Congress.

By the way, I have mentioned these facts in the past. PolitiFact, which seems to check every statement I make, checked it out, and they said these facts are basically accurate.

Here is what the Economic Policy Institute found. From April of 2014 to March of 2015, the average real unemployment rate for young White high school graduates between the ages of 17 and 20 was 33.8 percent. High school graduates, high school dropouts, White, 17 to 20—33.8 percent. The jobless figures for Hispanic kids in the same age group was 36.1 percent. And incredibly, the average real unemployment rate for African-American high school graduates was 51.3 percent. High school graduates or dropouts between the ages of 17 and 20, African American, over 50 percent unemployed or underemployed.

Today in America, over 5.5 million young people have either dropped out of high school or have graduated high school and do not have jobs. It is no great secret—not to any parent, not to any Member of the Senate—that when kids are not in school, when kids have no jobs, that is when kids get into trouble, when they get into drugs, when they get into self-destructive activity.

The result of kids not being in school and kids not having jobs is that tragically, today, we in this country have more people in jail than any other country on Earth, including China—a Communist authoritarian country with a population four times our size. We have more people in jail than China does. Incredibly, over 3 percent of our country's population is under some form of correctional control.

According to the NAACP, from 1980 to 2012, the number of people incarcerated in America quadrupled—quadrupled—from roughly 500,000 to 2.2 million people.

A January 2014 study published in the journal *Crime & Delinquency* found

that almost half of Black males in the United States are arrested by the age of 23. That is an unbelievable statistic and a tragic statistic. If this current trend continues, one in four Black males born today can expect to spend time in prison during his lifetime. What a tragedy this is. We cannot ignore it. We have to deal with this reality.

But this crisis is not just a destruction of human life and of potential, it is also very costly to the taxpayers of our country. In America, we now spend nearly \$200 billion on public safety, including \$70 billion on correctional facilities each and every year.

It is beyond comprehension that we as a nation have not focused attention on the fact that millions of young people are unable to find work and begin their careers in a productive economy. That is what young people want to do. They want to get out, they want to get a job, they want to earn some money, they want to become independent from their parents, and they want to begin a career ladder, but for millions of these young people, that is not taking place today.

Let me be as clear as I can be. It makes a lot more sense for us to invest in jobs and education rather than in more and more incarceration and more and more jails. The time is long overdue for us to start investing in our young people, to help them get the jobs they need, to help them get the education they need.

This is not only saving human life; it is saving dollars. It is a very expensive proposition to put people into jail. Many people who go to jail come out of jail and go back to jail. They don't get jobs, and they don't pay taxes. Their lives are destroyed. Their families' lives are destroyed. It is high time we understood that. We have to invest in jobs, and we have to invest in education—not more jails, not more incarceration.

I have offered an amendment that will be voted upon, either today or tomorrow, that is pretty simple and pretty straight forward. It says to us that now is the time to keep kids out of jail, to get them jobs, and to get them an education. This amendment would simply provide \$5.5 billion in immediate funding to States and cities throughout the country to create 1 million jobs for young Americans between the ages of 16 and 24. This amendment would also provide job opportunities for hundreds of thousands of young adults.

Frankly, this amendment doesn't go far enough, but it is an important start in trying to save the lives of countless numbers of young people who, if we do not address their needs, are going to end up in jail or with destroyed lives.

Specifically, under this amendment the U.S. Department of Labor would provide \$4 billion in grants to States and local governments to provide summer and year-round employment opportunities for economically disadvantaged youth, with direct links to academic and occupational learning. This

amendment would also make sure that young Americans have access to transportation and childcare services they may need in order to participate in job opportunities all over this country. This amendment would also provide \$1.5 billion in competitive grants to local areas to provide work-based job training to low- and moderate-income youth and disadvantaged young adults.

I hope very much we can have bipartisan support for this amendment, because what we are talking about is not just saving countless numbers of lives and not just saving taxpayers a substantial sum of money. It is much more cost effective to invest in kids so they have productive lives rather than seeing them go into jail and into jail and into jail and see their families being destroyed. It is high time we addressed this issue. This amendment is an important first step. I look forward to seeing bipartisan support for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NUCLEAR AGREEMENT WITH IRAN

Mr. CORNYN. Mr. President, yesterday President Obama announced a deal with Iran, one that will send billions of dollars to a regime with a long history of violently opposing the United States and its allies.

I come to the floor to express again my deep skepticism about how the Obama administration has approached these talks and my great concerns about what has been revealed about the deal so far—recognizing that we should all, perhaps, reserve our judgment for the process that will unfold over the next couple of months, by which we will actually be able to read the text of the deal and then to show to the American people what it contains and express our concerns publicly and debate those. That is going to unfold over the next couple of months.

But I think we can all agree that bringing Iran to the negotiating table and securing an agreement that prohibits 100 percent of their ability to gain the capacity to create a nuclear weapon would be a tremendous legacy for any President to accomplish.

Preventing Iran from becoming a nuclear power would have been a legacy item for President Obama or any President. But these negotiations have been particularly concerning because, in spite of the fact that the Iranian regime has given us no reason to trust it, the President has been operating under the assumption that any deal is better than no deal.

I am afraid the President has demonstrated the old adage that if you

want a deal bad enough, that is exactly what you are going to get—a bad deal.

In so doing, the President has abandoned longstanding U.S. policy. Our policy has always been to prevent Iran from getting nuclear weapons. Instead, the administration has said: Well, it is OK. We will allow you a plan forward, and—in the words of Prime Minister Netanyahu—pave the way toward your acquisition of nuclear weapons.

This is an outcome that is irresponsible, unacceptable, and exceedingly dangerous.

I found it interesting that during his announcement the President said U.S. engagement in Iran was built upon “mutual interests and mutual respect.” The theocratic Iranian regime is a government that just last week encouraged its citizens to shout slogans often heard on the streets of Tehran. “Death to America,” they say. “Death to Israel.” I don’t see how the President can consider such actions a sign of “mutual respect.” It is just the opposite.

But I should be fair to the President. He is of course not the only person who supports this deal. We hear that Russia’s President Vladimir Putin has endorsed it. So has Syria’s President Bashar al-Assad, who called the agreement a “major turning point.” Our enemies think this is a great deal, and they strongly support it.

But I hope the administration is aware that the optimism they have surrounding Iran and this deal is not universal. Our staunchest ally in the Middle East, the nation of Israel, has stated its clear opposition yesterday.

President Netanyahu, as he did in a joint session of Congress just a few short months ago, said in crystal clear language that this agreement represents a “historic mistake” for the world. That is likely because the Iranian regime has regularly—even throughout the ongoing negotiations—called for the destruction of Israel.

So while our enemies such as Bashar al-Assad of Syria called the deal a major turning point, our greatest ally called it a “historic mistake.” That should give all of us pause. What other warning signs do we need? Can a deal that is wholeheartedly endorsed by our adversaries and simultaneously disdained by one of our closest allies possibly be in the best interest of the United States of America? I am interested in hearing the answer to that question during the course of our review and debates because that is the question we will have the chance to answer for ourselves at the end of this next 60-day period of time.

Although I have seen several headlines talking about Republican opposition to the agreement, I would like to point out that there are a number of Democratic colleagues who have been quick to voice their concerns as well. This should not, and I pray will not, become a partisan disagreement. What we ought to be doing, in the best interest of the United States of America and

our national security and those of our allies, is getting to the bottom of this agreement, raising concerns, and asking questions. Perhaps the President would like for this to become a partisan debate because then he wins, and in so doing America and our allies lose.

Yesterday, the ranking member of the Senate Foreign Relations Committee said that “there is no trust when it comes to Iran.” That statement was made by the distinguished Senator from Maryland, Mr. CARDIN. Similarly, another Democratic colleague, the senior Senator from New Jersey and former chairman of the Foreign Relations Committee, said that “the deal doesn’t end Iran’s nuclear program,” but instead it “preserves it.”

This deal cements many of the long-standing concerns that I and many of my colleagues have had. Instead of riding the world of an Iranian nuclear weapon once and for all, this simply kicks the deal down the road—when, by the way, President Obama will no longer be in office—but it completely preserves the nuclear infrastructure required to create a nuclear weapon in as little as 1 year. We can’t afford to sit back, cross our fingers, and wait for the regime to resurrect its nuclear program after their main obligations under the deal have expired.

Let me just be clear. The American people are not so desperate to cut this deal with the Iranian regime, and I think they will be even less supportive than they have been so far once the details of this deal gets vetted.

I wholeheartedly reject the suggestion the President has made on numerous occasions that there are two alternatives: There is this deal or there is war. That is ridiculous. That is a false choice. What it should be is a choice between this deal and something better—something that actually denies Iran nuclear weapons and doesn’t unleash billions of dollars for them to fight their proxy war against the United States and our allies.

Again, the No. 1 state sponsor of international terrorism is Iran, and we are going to unleash the sanctions on the oil that they will now be able to sell in global markets and reap windfall profits perhaps, along with released funds that have been sequestered in American banks and other institutions, so they can now prop up their economy and again pay for the war they are fighting against Israel and the United States and other allies.

The bipartisan sanctions regime that Congress has put in place over decades should not and cannot be undone through an Executive agreement between President Obama and the head of the world’s leader in state-sponsored terrorism. As elected representatives of the American people, we, all of us, in addition to the President, are committed to securing a good deal for the people who sent us here, and that means making sure Iran will never have the ability to build a nuclear

weapon, protecting our interests and our allies against a threatening regional power and, first and foremost, ensuring that the American people are safer tomorrow than they were yesterday.

Now that the White House has submitted the first 109 pages of this deal to Congress, we are in the process of reviewing it, but there is more to come—classified annexes and all. I look forward to reading this agreement word-for-word, understanding it better, and asking many of the similar-type questions which I posed here today, which need good and solid and reliability answers. We can't base this on a policy of hope or even trust in the rogue regime in Tehran. We need answers to these questions and, even more importantly, so do the American people.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2241

Mrs. MURRAY. Mr. President, our Nation has always held the ideal of providing education for all, but a half century ago we put that ideal into action with the Elementary and Secondary Education Act or ESEA. That law aimed to close education gaps between rich and poor, Black and White, kids from rural areas, and kids from big cities.

Today, we are debating an amendment to strengthen accountability in our bill to reauthorize ESEA to do even more by making sure schools are delivering on the promise of quality and equality to every student in America.

Across the country, too many schools today have failed too many of our children for too long, and that has to change. Now our bipartisan bill removes the unrealistic goals and one-size-fits-all mandates of No Child Left Behind. But we can still have strong accountability without going back to those requirements.

Senator MURPHY's amendment, which we will be voting on shortly, will shine a light on the persistent inequality and achievement gap that still exists and do something about it, and it would ensure that we make sure children from low-income backgrounds, the kids of color, the students who are still learning English, and students with disabilities have access to a high-quality education.

Under his amendment, States would identify the bottom 5 percent of schools, States would identify the high schools that are failing to graduate one-third or more of their students, and States would identify schools that have failed to help subgroups of students make progress.

Now, of course, accountability is about more than just identifying the

schools and districts that need help. We have to make sure those schools get the resources they need. The Every Child Achieves Act allows districts to design interventions tailored to the individual needs of low-performing schools. This amendment doesn't change that, but this amendment would give parents, teachers, and communities important measures to hold schools accountable for delivering a quality education to every child.

I will also note that in our bipartisan bill, we have done a lot to help the adults in this school get the support they need from professional development to easing the burden on school administrators. I was very proud to work on all of those provisions. But this amendment isn't about the adults. It is about the children in our schools. So I urge my colleagues to vote yes on the Murphy amendment so we can do even more to make sure all of our students learn, no matter where they live or how they learn or how much money their parents make.

Let's fix No Child Left Behind. Let's continue to improve this bill by strengthening accountability, and let's reaffirm our Nation's commitment to providing a quality education to every student in America.

I thank the Presiding Officer, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. HIRONO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. HIRONO. Mr. President, I rise to discuss the Every Child Achieves Act, S. 1177, which replaces the education law better known as No Child Left Behind. I wish to thank the HELP Committee Chairman ALEXANDER and ranking member PATTY MURRAY for their hard work on today's bipartisan compromise bill.

Today's Every Child Achieves Act isn't perfect, but it makes good progress. For years, I have heard from Hawaii's teachers, parents, and administrators that No Child Left Behind, or NCLB, is broken. It is time to leave NCLB behind.

I have been working to fix this broken law, first as a member of the House of Representatives' Education and Labor Committee in 2007 and now as a Senator. I also began to work on education reform when I was Lieutenant Governor of the State of Hawaii.

I will start with one of the biggest problems with NCLB, which is the testing requirements. I heard from teachers in Hawaii loud and clear that NCLB brought us too much testing. Teachers and students in some schools spent so much time on testing and test prep that they didn't have enough time for teaching and learning.

Today's bill includes Senator BALDWIN's SMART Act legislation, which I

cosponsored, to cut redundant State and local tests, and it also includes Senator BENNET's amendment that sets a cap on the percent of time spent on testing.

I also strongly support the early education parts of this program as negotiated by Senator MURRAY, herself a former preschool teacher. I urge my colleagues to expand on this work by also supporting the Strong Start for America's Children amendment led by Senators CASEY, MURRAY, myself, and others.

The Strong Start amendment would invest significant resources in high-quality preschool grant programs, which would serve some 16,000 Hawaii children in my State alone. It would expand early Head Start childcare partnerships, such as Hawaii's Parents And Children Together and Kama'aina Kids, and would strengthen the Maternal, Infant, and Early Childhood Home Visiting Program, supporting programs like the Hawaii Home Visiting Network.

Quality early education helps kids enter kindergarten ready to learn, a recipe for success in school and in life. Studies show that by age 3, there is a 30-million word gap, basically a 2-to-1 gap, between low-income children and their wealthier peers with regard to their language skills. Quality early education can help close this gap early. Kids then are more likely to succeed in school, avoid crime or teen pregnancy, graduate from high school and college, earn more income, pay more taxes, and need fewer public services. Why?

First, they have the knowledge and skills necessary to succeed in a changing economy. Business and financial leaders in Hawaii—Hawaii's Business Roundtable executive director Gary Kai is a huge supporter of quality early education, and former Federal Reserve Chair Ben Bernanke also agrees that early childhood education is a key investment in U.S. competitiveness.

Second, military leaders have also stressed the importance of quality early education as a national security issue. The Department of Defense has estimated that 75 percent of Americans age 17 to 24 are ineligible for military service due to poor education, physical unfitness or criminal records. Hundreds of retired admirals and generals know that quality early learning can reverse this trend.

Third, early education investments make financial sense for taxpayers. A study by the University of Hawaii and Good Beginnings Alliance estimated a return of more than \$4 for every \$1 invested in early education. National studies are even higher. Some show a return as high as \$17 for every \$1 invested in quality early education. That depends, of course, on the quality of the program and particularly if we target the highest need students.

Finally, parents themselves are demanding quality, affordable preschool for their children. In April of this year, I visited Kauai Community College

whose Early Childhood Development Center reopened after a few years of renovations.

This center trains early childhood educators while providing high-quality early learning services to children of faculty, staff, and the community. Their lead teacher and coordinator, Gina Medrano, said, "So far, no one has cried since we opened. They only cry when it is time to go home." That is evidence of how important early education is to our kids themselves.

Currently, the KCC Center can only serve 20 children. There are wait-lists for this program and for quality early learning programs in Kauai, all across Hawaii, and nationwide. We can and should do much better.

The Strong Start for America's children amendment would help make early learning the national priority it deserves to be. The amendment would provide quality preschool to over 3 million children nationwide. I urge my colleagues to vote yes on this amendment when it comes to the floor.

So many of us recognize that education is a continuum which starts early and continues throughout life; therefore, coordination of effort is important. So I am pleased that this bill before us includes provisions to foster coordination between existing early childhood programs and their local elementary school. In 2011, Senator CASEY and I introduced the Continuum of Learning Act, and today's bill on the floor includes many pieces from that legislation.

On balance, the Every Child Achieves Act before us means good progress for our keiki—our children—and I hope we can continue moving forward and pass the bill before us in a bipartisan way.

Our country is at its best when all students have access to high-quality education from birth to college and career. Improving our education system through evidence-based reforms will help every child achieve so that our next generation can compete and lead in the 21st-century global economy.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, on behalf of Senator MURRAY from Washington and myself, I ask unanimous consent that at 3:15 p.m. today, the Senate vote on the following amendments in the order listed: Markey amendment No. 2176, 60-vote threshold; Heitkamp amendment No. 2171, 60-vote threshold; Kirk amendment No. 2161, 60-vote threshold; and Murphy amendment No. 2241, 60-vote threshold.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2144 WITHDRAWN

Mr. ALEXANDER. I further ask unanimous consent that the Wicker amendment No. 2144 be withdrawn.

The PRESIDING OFFICER. Without objection, amendment No. 2144 is withdrawn.

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MARKEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2176

Mr. MARKEY. I ask unanimous consent to speak for up to 2 minutes on my amendment.

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

Mr. MARKEY. Mr. President, my amendment is very simple. It would create a competitive grant program to support the development and improvement of educational materials and teacher training on climate change science and solutions.

The scientific evidence of climate change is longstanding and wide-ranging. The National Academy of Sciences and numerous science professional organizations all recognize the reality of climate change and the influence of human activities upon it. The children of our country deserve the best scientific education they can get on this topic. They are the future leaders of our country and the world. They must be equipped for this generational challenge.

This is without question one of the overarching issues of our 21st century. We must ensure that we provide the best science training available for this next generation—the green generation. They are going to have to confront this problem. They should have the best scientific evidence available.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Thank you, Mr. President.

Mr. President, we will have a vote on the Markey amendment. I would urge a "no" vote for the following reasons: If you love Washington getting involved in Common Core, you will love this amendment, because it gets the Federal Government involved in creating a curriculum for climate change in your local high schools and other schools.

Based upon what we know about the U.S. Department of Education, as soon as we authorize this, it will begin to write regulations defining what we mean by climate change, and we would have to change textbooks in 100,000 public schools every time we have a Presidential election. Just imagine what the curriculum on climate change would be if we shifted from President Obama to President Cruz and then back to President Sanders and then to President Trump. There would be a lot of wasted paper, writing and rewriting textbooks.

The Every Child Achieves Act prohibits officials of the Federal Government from getting involved with the instructional material in classrooms. If we want to have better climate science, the appeal should not be to a national school board that gets Washington in-

involved in climate change. It should be to the local school board or the State school board. I say that as a Republican who believes that climate change is a problem and that human activity is a major contributor to that problem. But I do not want the Federal Government involved in local high school and elementary school curricula for climate science or anything else.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 238 Leg.]

#### YEAS—44

Ayotte	Franken	Murray
Baldwin	Gillibrand	Peters
Bennet	Heinrich	Reed
Blumenthal	Hirono	Reid
Booker	Kaine	Sanders
Boxer	King	Schatz
Brown	Kirk	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Stabenow
Carper	Markey	Udall
Casey	McCaskey	Warner
Coons	Menendez	Warren
Donnelly	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feinstein	Murphy	

#### NAYS—53

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Grassley	Risch
Boozman	Hatch	Roberts
Burr	Heitkamp	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Coats	Inhofe	Scott
Cochran	Isakson	Sessions
Collins	Johnson	Shelby
Corker	Lankford	Sullivan
Cornyn	Lee	Tester
Cotton	Manchin	Thune
Crapo	McCain	Tillis
Daines	McConnell	Toomey
Enzi	Moran	Vitter
Ernst	Murkowski	Wicker
Fischer	Paul	

#### NOT VOTING—3

Cruz	Graham	Nelson
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 2171

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to Heitkamp amendment No. 2171.

The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, I rise to urge my colleagues to support my amendment. As you have been talking to your school districts and as you have been talking to the school personnel, if they don't mention the challenges they have dealing with children in their schools who need services beyond education services, who come unready to learn because of behavior and mental health problems, we have a program that has existed for a number of years. I understand it has been underutilized. But if there has ever been a time, as we talk about the behavior and mental health challenges that we have in our communities and in our schools, and if there has ever been a challenge for a grant program that develops best practices, it is today.

I urge my colleagues to support this amendment and integrate these behavior and mental health programs into the schools and into the education system so that we can better address the concerns, so that we can, in fact, begin to challenge our society to deal with these issues at the school level. Schools should not be in this alone. We need to integrate the behavioral health and mental health systems into our schools.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I urge a "no" vote. Of course, we should help and care about the mental health of children, but the Federal Government already funds at least 16 programs related to mental health.

A new program isn't needed, and the Department of Education is not the best suited agency to administer it. It ought to be in the Department of Health and Human Services.

It is unnecessary. The district may use funds already under the education bill and other health programs for this purpose.

One of the problems we have as a Congress is we have a good idea and we appropriate and create a new program without realizing there are already 16 other programs there. We should stop that and focus our efforts on existing programs and giving States more flexibility to use that money.

I urge a "no" vote.

Ms. HEITKAMP. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) is necessarily absent.

The PRESIDING OFFICER (Mr. GARDNER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 39, as follows:

[Rollcall Vote No. 239 Leg.]

#### YEAS—58

Ayotte	Gillibrand	Murray
Baldwin	Heinrich	Peters
Bennet	Heitkamp	Portman
Blumenthal	Heller	Reed
Booker	Hirono	Reid
Boxer	Hoeven	Sanders
Brown	Kaine	Schatz
Cantwell	King	Schumer
Cardin	Kirk	Shaheen
Carper	Klobuchar	Stabenow
Casey	Leahy	Sullivan
Cassidy	Manchin	Tester
Collins	Markey	Thune
Coons	McCaskill	Udall
Daines	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Mikulski	Whitehouse
Ernst	Moran	Wyden
Feinstein	Murkowski	
Franken	Murphy	

#### NAYS—39

Alexander	Fischer	Perdue
Barrasso	Flake	Risch
Blunt	Gardner	Roberts
Boozman	Grassley	Rounds
Burr	Hatch	Rubio
Capito	Inhofe	Sasse
Coats	Isakson	Scott
Cochran	Johnson	Sessions
Corker	Lankford	Shelby
Cornyn	Lee	Tillis
Cotton	McCain	Toomey
Crapo	McConnell	Vitter
Enzi	Paul	Wicker

#### NOT VOTING—3

Cruz	Graham	Nelson
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

#### AMENDMENT NO. 2161

Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to Kirk amendment No. 2161.

The Senator from Rhode Island.

Mr. REED. Mr. President, I urge all my colleagues to vote yes on the Kirk-Reed-Baldwin-Brown amendment.

Essentially, in this legislation—and I commend the chairman and the ranking member for all the work they have done—they have established lofty goals, but without adequate resources, all of our students cannot succeed. This amendment encourages the States to develop and report on measures of access to critical education resources; identify disparities in districts' access to those resources; develop plans with school districts to address these disparities; and include the Opportunity Dashboard of Core Resources on the State report card.

Again, it is a very simple concept. Lofty goals without adequate resources will not give opportunities to American students. We hope this will help provide equitable access to critical resources.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I urge a "no" vote. This bipartisan bill on the floor is about reversing the trend toward a national school board.

This amendment is about making the national school board bigger and more powerful. It would result in the Federal Government deciding for States which educational resources are critical. That would have the Federal Government deciding about licensing teachers, teachers' salaries, library books, wellness programs, school facilities, and it would produce new lawsuits.

We need to go in the other direction. We need to keep the measurements of how children are doing but restore to States and local school boards the responsibility for making these decisions.

I urge a "no" vote.

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 2161.

Mr. ALEXANDER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Florida (Mr. NELSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. BLUMENTHAL) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 50, as follows:

[Rollcall Vote No. 240 Leg.]

#### YEAS—46

Baldwin	Heinrich	Peters
Bennet	Heitkamp	Portman
Booker	Heller	Reed
Boxer	Hirono	Reid
Brown	Kaine	Sanders
Cantwell	Kirk	Schatz
Cardin	Klobuchar	Schumer
Carper	Leahy	Shaheen
Casey	Markey	Stabenow
Coons	McCaskill	Udall
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murkowski	Wyden
Gillibrand	Murphy	
Hatch	Murray	

#### NAYS—50

Alexander	Ernst	Perdue
Ayotte	Fischer	Risch
Barrasso	Flake	Roberts
Blunt	Gardner	Rounds
Boozman	Grassley	Rubio
Burr	Hoeven	Sasse
Capito	Inhofe	Scott
Cassidy	Isakson	Sessions
Coats	Johnson	Shelby
Cochran	King	Sullivan
Collins	Lankford	Tester
Corker	Lee	Thune
Cornyn	Manchin	Tillis
Cotton	McCain	Toomey
Crapo	McConnell	Vitter
Daines	Moran	Wicker
Enzi	Paul	

## NOT VOTING—4

Blumenthal Graham Nelson  
Cruz

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

## AMENDMENT NO. 2241

Under the previous order, there is 2 minutes of debate equally divided prior to a vote on Murphy amendment No. 2241.

The Senator from Connecticut.

Mr. MURPHY. Mr. President, arguably the only good thing that the existing education law did was expose these unconscionable gaps in this country between the performance of minority kids and nonminority kids, between disabled kids and nondisabled kids.

Frankly, this body is at its best when it says that, no matter your race, geography, disability or income, you deserve access to a quality education. If we can't guarantee that, then the question is this: What good is a Federal education law in the first place?

So this amendment learns from the mistakes of No Child Left Behind, and it simply says two things. States have to identify when they have these unjustifiable yawning gaps between the performance of disabled kids or minority kids and the rest of the school, and then they have to come up with a plan through a community conversation as to how to fix that—period, stop. Identify your problem, your achievements.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, let me quickly say that this vote will be the last vote.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. All this amendment says is that just simply on a State by State basis, identify your achievement gap and then come up with a plan to fix it—no Federal intervention, no Federal prescription of how you fix the problem.

It is a big, big problem in this country that has a very simple solution in this amendment, and it deserves our support.

I yield back.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, yesterday the Senator from Montana, Mr. TESTER, came on the floor and said he supported this bill because it got rid of adequate yearly progress. This is adequate yearly progress through the back door. Instead of fixing No Child Left Behind, it keeps the worst parts of it and restores those kinds of parts with new mandates.

If you don't believe me, here is a letter dated yesterday from the National Educational Association on behalf of its 3 million members:

After 13 years of witnessing firsthand the negative consequences [of] No Child Left Behind's one-size-fits-all approach to accountability . . . our members strongly oppose more of the same. . . . we believe the

Murphy amendment would continue the narrow and punitive focus of NCLB.

Our members are deeply concerned the amendment would mark an entire school for intervention if a single subgroup misses goals for two consecutive years—precisely the approach that misidentified schools under the Adequate Yearly Progress (AYP) provision of [No Child Left Behind].

We are reversing the trend toward a national school board, not establishing more of a school board. Governors, teachers, school board members, and superintendents agree with that.

I urge a "no" vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) is necessarily absent.

The PRESIDING OFFICER (Mr. PERDUE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 54, as follows:

## [Rollcall Vote No. 241 Leg.]

## YEAS—43

Baldwin	Gillibrand	Peters
Bennet	Heinrich	Portman
Blumenthal	Heitkamp	Reed
Booker	Hirono	Reid
Boxer	Kaine	Sanders
Brown	Klobuchar	Schatz
Cantwell	Leahy	Schumer
Cardin	Manchin	Stabenow
Carper	Markey	Udall
Casey	McCaskey	Warner
Coons	Menendez	Warren
Donnelly	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feinstein	Murphy	
Franken	Murray	

## NAYS—54

Alexander	Fischer	Paul
Ayotte	Flake	Perdue
Barrasso	Gardner	Risch
Blunt	Grassley	Roberts
Boozman	Hatch	Rounds
Burr	Heller	Rubio
Capito	Hoeven	Sasse
Cassidy	Inhofe	Scott
Coats	Isakson	Sessions
Cochran	Johnson	Shaheen
Collins	King	Shelby
Corker	Kirk	Sullivan
Cornyn	Lankford	Tester
Cotton	Lee	Thune
Crapo	McCain	Tillis
Daines	McConnell	Toomey
Enzi	Moran	Vitter
Ernst	Murkowski	Wicker

## NOT VOTING—3

Cruz Graham Nelson

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Ohio.

## AMENDMENT NO. 2247, AS MODIFIED

Mr. PORTMAN. Mr. President, I rise to speak regarding the Burr amend-

ment, which has been offered to the underlying education bill. This is an amendment that I understand has been modified recently, but it still has some of the flaws it has had all along; that is, it tells States that if they invest in their kids, they are penalized, which I think is the wrong message. I hope this amendment can be defeated on that basis alone.

It also happens to be bad for some States because, for instance, in my home State of Ohio, we would lose an estimated \$70 million because we do invest in our children who are poor, who are vulnerable. Therefore, because of formula changes, we get less money in Ohio.

I hope States that are affected one way or another, though, will look at this from a policy perspective and understand that certainly in this Federal K-12 education bill, we ought not to be telling the States, such as my home State of Ohio, that because they invest more in their kids, somehow they are penalized.

I know the Burr amendment was changed to reach a different level before this formula change would occur. I think it is \$17 billion; right now it is \$14.4 billion. This means that this change will not occur for a few years, as I understand it, but the same problem remains.

We hope this authorization will last through that period and we will not be back revisiting this on the floor of the Senate. Therefore, I urge my colleagues on both sides of the aisle—and I know there is opposition on both sides of the aisle to this amendment—to stand tall and to say let's not tell the States that if they invest in kids who come from some of the lowest income school jurisdictions in our country, that somehow they are going to be penalized under a new formula.

This amendment is a mistake because it fails to take into account that the cost of education in different parts of the country differs, and again it penalizes States that invest more in education.

I urge my colleagues to vote no on the Burr amendment.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak for 3 minutes as in morning business.

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

## REMEMBERING DR. ELSON FLOYD

Mrs. MURRAY. Mr. President, every once in a while you meet an individual who thinks bigger than themselves, rises above challenges with grace, is driven by a passion to better the world

around them and, most importantly, is a truly wonderful human being. I have come across many advocates and community leaders in my career, but Dr. Elson Floyd was exceptional. He was a giant in Washington State's higher education community. He inspired countless students and teachers and many across the State as Washington State University's president. I can only imagine what else he would have accomplished had his life not been cut painfully short.

For 8 years, I have had the privilege to work with Dr. Floyd in his role as the beloved president of my alma mater, Washington State University. He was one of our Nation's most successful advocates for affordable and accessible higher education. I always admired his dedication to his students, his passion for education, and his desire to make a great university even better.

The last time I spoke with Dr. Floyd a few months ago, he spoke of the bright future of Washington State University and the innovative steps the institution was taking to provide high-quality education to its students.

As we look back now on the life and legacy of Dr. Elson Floyd, we will remember how he led WSU through a trying economic recession by tirelessly advocating for investments in higher education as a path to the middle class and how he doubled the enrollment of students of color. We will remember how he skillfully convinced our State legislature to allow the university to begin building the State's second medical school at Washington State University-Spokane. And, most importantly, we will remember how, through a warm handshake to visiting alumni or a comforting hug to a student, he always had a way of making those around him feel welcome.

I hope to honor Dr. Floyd's memory by striving every day to better our higher education system with the enthusiasm and the warmth he emanated as a tireless advocate for Washington State students.

There is so much we can all learn from his work, and I know his legacy will continue to live on in Washington State and across the higher education community.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for such time as I shall consume.

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

Mr. INHOFE. I ask unanimous consent that following my remarks, the junior Senator from Oklahoma, Mr. LANKFORD, be recognized.

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

DRIVE ACT

Mr. INHOFE. Mr. President, right now probably the most significant thing we will be facing as soon as we

get through with the education bill that Senator LAMAR ALEXANDER has done such a great job on is the transportation reauthorization bill. I found out the House just passed a few minutes ago a 5-month extension to the highway reauthorization bill.

I would suggest to the people who may think there is some type of adversarial relationship between our bill in the Senate and the House bill that there isn't. We are working together and we both want to accomplish a long-term bill, and I anticipate that we will actually have passed in the next few days a long-term—maybe a 6-year—highway reauthorization bill, at which time we will go to conference with the House and it will be business as usual. I want to make sure, in case there is a fire looming out there, that we put it out early.

Passing the long-term transportation bill has been my top priority since I returned as chairman of the Environment and Public Works Committee. Ironically, the ranking member of that committee, Senator BOXER of California, feels just as strongly that it is her top priority also. So I consider this to be the second most significant bill of the year, the first one being of course the Defense reauthorization, which we have already addressed here. But we felt strongly enough about this being a top priority that we had our first full committee hearing on the need to reauthorize what at that time was MAP-21. We had Anthony Foxx, the Secretary of Transportation, as well as a lot of government leaders so they could share the importance of an ongoing Federal and State partnership in building and maintaining a modern surface infrastructure system.

Since that hearing, my committee has put forward a bold bipartisan solution called the DRIVE Act that will put our Nation on the path to having a world-class transportation system. I have often said there is no such thing as a Republican or a Democratic road or bridge. This is something that is bipartisan. By the way, I have to say when the DRIVE Act passed through my committee, it passed unanimously—every Democrat and every Republican voted for the bill.

The Transcontinental Railroad, I am proud to say, the Republicans have historically been leading the way in transportation going all the way back to the Lincoln days. We passed the Transcontinental Railroad. The Panama Canal was done by Teddy Roosevelt.

Of course, the Interstate Highway System was done by Eisenhower. Eisenhower said the transportation system is a dynamic element in the very name we bear, United States. Without it, we would be a mere alliance of many separate parts. What he also said—let's remember that Eisenhower was a President. He was a star. He was concerned, and he started the first highway bill by addressing the problems of defense. The fact is that if you don't have a highway system within the

United States, you can't adequately supply the necessary means to fight and win wars. So that was the very first motivation for it. In laying out the full interstate system, Eisenhower envisioned it to be the physical backbone of the economy, fueling the growth of our GDP, our cities, and the competitiveness of our exports.

Now, this vision and certainty maximized the economic and mobility benefits of the system. Businesses and individuals knew that if they could locate somewhere on a future interstate system, they would be connected not just with the Nation but with the world.

I am afraid this legacy system, which was built with a 50-year design life, is now more than 50 years old. So we are out of warranty now, and we need to address that. That is the sense of urgency that we have. We are in serious danger of eroding a half century of investments without proper maintenance, modernization, and reconstruction. We are on borrowed time with a system that is in full need of restoration.

Our national interstate system currently has a maintenance backlog of \$185 billion. Now that national interstate system is actually 47,000 miles in length, and just to bring back the system to the original 1956 design, it would be that expensive.

Maintaining Eisenhower's vision of economic opportunity and strength in defense requires a continued partnership between the Federal Government and the States, which is the hallmark of the DRIVE Act. Yet due to 33 short-term passages since 2005, the highway construction now consists of maintenance patchwork.

This is what happened. We had a transportation reauthorization bill that was a 5-year bill. This was in 2005. I am very familiar with it. I was the author of the bill at that time. In 2005, we passed this long-term bill. Since that time, we have been unable to pass a long-term reauthorization bill. So we have been operating on extensions—short-term extensions.

It is interesting that we are now looking at something that has both a liberal and a conservative perspective. The conservative position is a long-term bill because the only alternative is short-term extensions. Short-term extensions—I don't think anyone has ever challenged this—costs about 30 percent more because you can't get big projects, which we are talking about in a minute. So we are now to the point where we are going to be able to do something with a long-term bill.

Passing a long-term bill is crucial in many aspects of day-to-day life in America. More than 250 million vehicles and 18 billion tons valued at \$17 trillion in goods traverse across the country every year. Yet every day 2,000 miles of our highways slow below the posted speed limits because of the stop-and-go conditions of overcongestion.

The National Highway System—this is kind of interesting. Not many people

are aware of this. Our whole National Highway System is 5.5 percent of the total Nation's roads, but it carries 55 percent of all vehicles traveling and 97 percent of the truck-borne freight. So 5.5 percent of the Nation's roads account for the transportation of 97 percent of the freight crossing this country. This type of congestion has a huge negative impact on our businesses throughout America.

Congress just passed a 2-month extension, and we now have a responsibility to pass a long-term solution. As I mentioned, they did pass something over in the House that we are in agreement that will get them to conference with us, and I think most of them are going to be—from the ones I talked to over there—very excited about the fact that we are going to have funding for a 6-year bill.

The highway trust fund needs \$15 billion a year to maintain current spending. What we are saying there is, if you take proceeds of the gas tax that is out there in order to do what we are currently doing, it takes an additional \$15 billion each year just to do that, but we need to do more than just maintain the system. We need to improve it for the future of America's growing economy. Fortunately, my committee just passed this bill unanimously with what we call the DRIVE Act.

The DRIVE Act will put America back on the map as the best place to do business. The DRIVE Act has several key components to position America's transportation system to support our growing economy.

First of all, it prioritizes funding for core transportation formula programs to provide States and local governments with strong Federal partners. In other words, the States have needs. They articulate those needs to the Federal Government. The Federal Government goes in and makes sure that is going to be a reality. Let's keep in mind, there are some States—suggesting Wyoming as an example—it would take three times as much money actually to take care of the roads in Wyoming than could be produced by the sparse population of that State. So that is one of the major initial reasons for the program.

Secondly, it prioritizes the interstate system, the National Highway System, and the bridges at risk system. Well, as I said, the interstate system is 47,000 miles, but the National Highway System is 220,000 miles, which does encompass the 47,000 miles of the interstate system.

Thirdly, it creates a new multibillion-dollar-per-year freight program to help the States deliver projects that promote the safe, efficient, and reliable transportation of consumer goods and products across the United States.

The fourth thing is—and this is something a lot of people are not aware of—a lot of people think that we in Washington have this infinite wisdom that we know what is best for the States. We don't believe that. We be-

lieve the States should set their own priorities. In my State of Oklahoma, I don't even get involved in what projects are going to be there. We have a State system, where the State does evaluate, and certainly they know more about our needs in Oklahoma than the Federal Government does. Don't you agree? That is right. Well, that is where we are on that. We let the States determine what projects we are going to be doing.

The fifth thing is to provide greater efficiency in the project delivery process through reforms that put DOT in the driver's seat during the NEPA process by requiring other agents to bring in their issues. Here is what happens. We have a lot of good rules in the NEPA Program, in the environmental programs, but there are some things where we feel that should not slow down the construction of roads, highways, and bridges, both new bridges and repairs. To do that, we have to write that into the law, so that streamlines the system. If you have nothing but short-term extensions, that doesn't happen. They don't get streamlined.

Let me compliment my partner in this, the ranking member Senator BOXER from California. It is interesting. I am among one of the most conservative Members of the U.S. Senate. She is a very proud liberal. Yet we both agree on what our priorities should be, and that makes this process more important. She has been willing to do things she didn't really want to do because it does short-circuit some of the NEPA requirements, and as a general rule she would not want to do that. But this has been a give-and-take, and that is why we have a bill that passed our committee unanimously.

The sixth or seventh thing is eliminating duplicative reviews and expanding categorical exclusions. To give an example of that, we have bridge projects that are given special considerations with new exemptions from section 4(f), the historic property reviews. Now, to be a historic property, it has to be over 50 years old. For them to continue to be able to do it, it takes these exemptions from what other historic things have to go through because we are in the business of building bridges.

Secondly, we have the Migratory Bird Treaty Act on the books, and it allows us to go ahead and start working on projects even though swallows nests—I know it sounds kind of insignificant, but it is not, because swallows go in there, and while they are not protected or listed as an endangered species, they still are protected by the Migratory Bird Treaty Act, and they have caused us to stop construction on many of the bridges around the country.

This is kind of a brief overview of the bill. As the DRIVE Act progresses on the floor, I intend to address the significance of each program in a lot more detail. Most importantly, the DRIVE

Act sets up funding levels for the next 6 years. This is at the very best what the Federal Government should provide so States and local officials in the construction industry can gear up for large projects—the \$500 million to \$2 billion projects. These are things you can't do with extensions, but you can do with a bill such as the bill we have successfully passed.

We have thousands of projects around the Nation that are currently in jeopardy, and construction will come to a halt unless this legislation becomes a reality.

As shown in this picture I have in the Chamber, this is the Brent Spence Bridge. This goes from Kentucky to Ohio. Right now it is in dire need. One can see actually the problems with this antiquated bridge. There are chunks of it dropping off into the river below and it has become very dangerous.

We saw not long ago in another adjoining State what can happen if a bridge goes down. Here in DC we had the Memorial Bridge. It is literally crumbling. You can go right down and you can see the pieces of the bridge dropping into the Potomac River. It was built in 1932. It has only received patchwork ever since that time. It is estimated that nearly \$250 million will be required to keep the bridge operational. That is not a new bridge. That is to make that into an operational bridge.

You recognize this. You drive by it, many of you, every day. But you don't see—you have to get down there and you can see concrete dropping into the Potomac. We have many more like this. What else do we have here? The Mobile River Bridge. This is in Alabama. This is what it will look like later. That is not a current picture. This is what it is right now.

These are the types of projects that we can do now which we could not do with just extensions, as we have been doing since 2009. I believe more than just a small part of the economic success enjoyed by the United States over the past 50 years has been the interstate system started by President Eisenhower. But today we literally sit in a situation where we would have to do something to carry this forward.

That is why Senator BOXER and I are bringing the DRIVE Act to the Senate floor. It will ensure that States have the tools and certainty to make the necessary new investments to rebuild Eisenhower's vision, fight growing congestion and maintain the mobility of goods and services across our country. So we are going to have this up. I think this will be on the floor, probably the next thing after we finish with the education bill.

Again, no one can argue that this is the second most significant bill that we address each year. We have not addressed this one in the right way since 2005. So it is very significant. We are looking forward to it. Anyway, we are going to be coming forth with this, I'm going to be coming to the floor and

talking about it in a lot more detail. We have got to get the roads and the bridges taken care of. We intend to do it. The product to do that is the DRIVE Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, in the 1960s the Johnson administration led Congress to start allotting a small amount of money—of Federal funding from the Federal taxpayers to target schools and reach out to the poorest of the poor in America and try to help beat back poverty. Five decades later, we have an education policy in America that reaches out to every single school district in America—millions of kids—that continues to fail them, to fail their parents, and that still has not solved the poverty issue.

What we have is an ever-increasing Federal bureaucracy that has reached well beyond what it was designed for in the 1960s and, I would assure you, reaches well beyond what it was originally designed for—something that would help the poorest of the poor or take care of kids on military bases and those on Indian tribal lands.

No Child Left Behind passed in 2001, authorizing education policy that was even more expansive. The goal was good—make sure that every child in America has the opportunity for success, that every teacher has teaching qualifications, and that every school has accountability. It was approved through 2008, and it still continues today.

Math, reading, and science are now measured in adequate yearly progress for each school, and it has become the slow-rolling disaster. The problem was the source and the goal. Parents, local districts, and States should set education policy—I would think that is something we should agree on—not a massive, centralized, controlled bureaucracy—the bureaucracy that is here, made up of a lot of nice folks who do care about kids; it is just that most of the folks who are here in this bureaucracy dealing with education have never been to Oklahoma, and the folks in Oklahoma don't know their names and don't know why they are managing their district.

The goal should be progress for each student, not each school, but the annual yearly progress demanded by No Child Left Behind really managed the progress of the school, not the child. I can assure you that the parents at home are not trying to figure out if the school is better; they are trying to figure out if their child is better in a particular subject.

Annual yearly progress and the Federal mandates have put my State in the untenable position of playing "Mother, may I" with the Federal Government and asking for a waiver every single year and having the national education board determine what our schools in Oklahoma can and cannot do. That has to change.

We want our students in Oklahoma to be college- and career-ready. We want accountability to the parents and the community. We want less burden on the educators who give their lives and their time to the task of helping parents and their children. We want that. As surprising as it may be to some in Washington, DC, we actually do care about our kids. We want the best for them. So we ask a simple thing. Allow Oklahomans to manage education for Oklahomans and just take this assumption: We do love our kids. We are going to work hard to make sure they are taken well care of.

My mom was an educator for decades. She started teaching elementary school and then went into a library and was an elementary school librarian and then a high school librarian and then moved into the black hole of education that is the administration building downtown, where she worked in a burnt-out position in school administration for a district for years. She is passionate about kids. She passed that on to me.

I started out my first year in college as a business major. I thoroughly enjoyed it for probably a week and then shifted the next year to secondary education—the thing that I fought against because my mom was in education, so surely I should not do the same thing, but I loved being with students. I spent 22 years of my life serving students after college. It is a passion in my family. There are multiple educators in my family, both at the college level and in the schools. We believe in education.

I will never forget the student teaching time that I had in college, interacting with those kids for the first time, stepping out of a college setting of being the student to now suddenly being the student teacher and having a classroom and understanding for the first time that it is my responsibility to help those parents educate their children; that I am not now the parent for this child—this child has a parent, and that parent has the responsibility to be able to raise their child well, but I have a responsibility to come alongside that parent and help. Allow us to have that.

This is what I want. I want greater flexibility for States. I want greater authority and responsibility to be placed on parents in education. The people in Oklahoma want the freedom to be able to make decisions about their own children, their own families. That is why I voted for the A PLUS Act. I tried to add that as an amendment to this bill. STEVE DAINES from Montana and I and multiple others supported the ability for States to have even more control if they choose to, to have both the responsibility and the authority for all areas of all parts of education. We did not win that amendment, but it was a blanket "We want everything to go back to the States if they choose to have it." We will continue to have that fight in the days ahead.

LAMAR ALEXANDER brought out an amendment that would have been great to have. It allowed parents to choose their school regardless of whether it is public or private.

Education union leaders had kittens about that, saying: The public schools are getting better, and so we don't want to take funds away from those public schools; we want to keep all of the funds in the public schools.

The parents are saying: I understand that school is going to get better someday, but my child is there right now.

Certain leaders in schools will say: We cannot have Federal funds moved to follow the child.

I would say: Would you allow the parent to help that child have the one shot they are going to get to get an education and allow them to choose where they want to go?

That is why I am also a supporter of things such as the DC opportunity scholarships that will allow children in Washington, DC, to be able to choose the school they attend. The President has fought adamantly against that. So have the education unions. Quite frankly, the parents here in DC want to have the option to send their child anywhere they choose to send them.

I would like to see more reductions in duplication of education programs. There is real reduction in that in this particular bill, but I would like to see even more. We have education programs in the Departments of Defense and Ag and Health and Human Services and multiple other places scattered around the bureaucracy. We need to be able to shrink all of those different programs and to be able to make sure that we are not feeding the bureaucracy but that we are actually helping kids.

I would actually like to see more in this bill dealing with options for those who are homeless. This bill helps us get a better count and better insight on the educational quality and the graduation rate for homeless and foster children. But I would like to have greater flexibility built into this bill, which I did not get. I would like the parents and the people in the local district to be able to have better decision-making capability.

What did I get? There are some things we won in this bill. There are no common core mandates. I can assure you, in my State of Oklahoma, most every person in my State stands and cheers when they find out one thing: that there are no common core mandates in this. There are no Federal tests at all. States—my State in particular—will have absolute control over standardized testing and the results of those tests and how they apply the information gained from those tests. The leaders in my State will manage that, control that, and make sure that is accurate for us.

There are no Federal education standards. There is no Federal curriculum. There are reductions in some of the education programs. I am glad to

see that, although, as I have already mentioned, I would like to see more of that.

It breaks down some of the funding silos. Do you realize right now that if there is money available in one silo dealing with kitchens, for instance, and nutrition for school, they may allot Federal dollars and say, "You can have those Federal dollars if you want to buy a new oven." But if a district says, "We don't need more money for ovens; we need money for special education," the Federal Government currently says, "No, you can't do that. You have to buy a new oven." That is dumb. Why don't we allow the districts to make that decision? This bill begins to break down some of those funding silos, and it gives them the opportunity to be able to make decisions on that.

What I would like to see and what I did get was more local control of education, dramatically increased local control, in fact, local authority and additional local responsibility. That is the way it should be. INHOFE and I even had a bill on local school board flexibility. We got good downpayment on that bill. There is more to go on that. We need to get a chance to see additional things, but those are things we were able to win.

Can I tell you the one big thing we really won? It is that my State, after this bill passes—if we can get this bill done, my State will no longer have to crawl back to Washington, DC, every year and beg for a waiver in education to maintain the education funding—which, by the way, came out of our State. Literally, the Federal taxpayers pay in with their tax dollars, and the State of Oklahoma has to come crawling to Washington, DC, saying: Can I please have those dollars back to our State? Right now, we have to do that every year.

My State actually lost Federal control because we chose not to do common core. The Department of Education said: If you don't do this, then you are going to lose your funding. For months we lost control of that funding, but that was our choice because we were setting our own standards. We have now won that waiver back. In fact, just a few weeks ago, that waiver was renewed again.

I am already sick to death of our State having to come beg for the Federal dollars that we put into the system and to get permission from someone in DC. This bill finally fixes that. Does it go as far as I want to go? No. I have been pretty clear about that. But it is the first step taking in our long journey towards taking us back in the direction where we need to be—our schools, our parents making decisions for our kids.

Again, I remind you, Oklahoma parents do love their kids, and Oklahoma legislators are doing a great job of trying to turn some things around in a very hard situation. Let's give them the ability to be able to do that. I en-

courage this body to pass this education bill, and let's get going again towards educating our students and doing the right thing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 20 minutes as in morning business.

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

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, as folks around here know by now, I come to the floor once a week to say as clearly as I can that it is time to wake up to the mounting hazard of climate change. Today is the 106th consecutive time.

Why do I do it? Why do I care so much? Because I know the harm we are causing through carbon pollution spells trouble for my home State of Rhode Island. I see it already. We are the Ocean State.

Here is a recent headline from the Washington Post: "Human impact on the oceans is growing—and climate change is the biggest culprit."

But I don't have to read the Washington Post to know that. With the changes from carbon pollution, our Rhode Island fishermen see strange catches coming up in their nets. Our homeowners and business owners along the coast see rising sea levels, worsening erosion, and extreme weather. It is no longer rare for extreme weather to claw people's homes into the sea. Sandy took several.

Rhode Islanders get all of this. But unless and until the men and women in this Chamber decide to heed the warnings of all of our best scientists—not to mention America's insurance companies, faith leaders, our military leaders, virtually every big American company not associated with the fossil fuel industry, and, of course, the American public—Rhode Island and all States will continue to risk even worse effects.

For the fossil fuel industry, we are the best Congress money can buy. For everyone else, we are a disaster.

Last year I went to New Hampshire to talk with people about the changes they see there. I met climate scientist Dr. Cameron Wake of the University of New Hampshire. He showed me a detailed analysis on climate change in New Hampshire—what scientists have already measured and what projections indicate the future may hold. We had a good talk and after my visit he ran for me a similar analysis of climate change in Rhode Island.

This is what he found. This chart shows measurements of the average annual maximum temperature for three weather-monitoring stations in Rhode Island. Block Island is in blue, Kingston is in red, and Providence is in orange. It measures the highest daily temperature for each day, averaged over the whole year from 1895 to 2012. Let me remind everyone that these are

measurements. This is not theory. These are measurements. This is climate change on the march in Rhode Island. What does it show? Warming. The trend is indisputable.

Dr. Wake's analysis shows that the average annual maximum temperature has increased at a rate of 3.6 Fahrenheit per century in Block Island, 2.8 degrees per century in Kingston, and 3.1 degrees per century in Providence.

Dr. Wake then looked to the future of Rhode Island. This chart shows the same thing we were looking at on the last chart—the average annual maximum temperature. But while that one just looks backward, this one looks forward. It shows two scenarios: business as usual in red or reduced carbon emissions in blue. It shows us, in effect, the difference that cutting back on carbon pollution could make for future generations of Rhode Islanders.

If we do nothing to curb our carbon pollution here, the annual average goes up toward 68 degrees, some years close to 70 degrees Fahrenheit by year's end.

Remember the last chart, which ended around here in 2010? The historical record there ended at around 60 degrees. Carry on this flood of carbon pollution and here is where you end, around 8 degrees warmer on average.

Between 1980 and 2010, the average annual maximum temperature of Washington, DC, was 68 degrees. That is the 8-degree difference. The difference that this flood of carbon pollution portends is Providence feeling like steamy, sweltering, Washington, DC. But if we take action to dial back our pollution, the warming is about half as much and less severe.

This is not the only measure of what carbon pollution will bring to Rhode Island. Winter temperatures going up mean fewer snow-covered days. Extreme precipitation will likely increase, and as the average annual maximum temperature increases, there will also be more very hot days in the summer.

This chart shows the increase in the number of days with a maximum temperature above 90 degrees Fahrenheit. Hot days such as that are common here in sweltering Washington, but historically Rhode Island might see maybe three 90-degree days a year. People come from all over to our cool, beautiful shores to swim in our cool, beautiful Atlantic.

This chart shows that even in the best case, Rhode Island can expect to see 18 such sweltering 90-degree days per year and, in the worst case, that number could rise to over 50 90-degree days every year, with the mercury soaring over 95 degrees Fahrenheit for 16 of those days.

Well, if you want to sit inside watching TV, cranking up your air conditioner, that may be fine, but Rhode Islanders like to go outside. We enjoy the beach, and we enjoy the bay. We are not looking forward to what these temperature consequences mean for our health.

Earlier this year, the Rhode Island Department of Health produced an in-depth report on heat and health in Rhode Island, concluding this: "The destabilizing effects of climate change on our environment are among the most significant potential health threats faced by individuals and Rhode Island communities today."

That is the official word of the Rhode Island Health Department. So don't expect me to ignore this issue here because it is uncomfortable for someone. Rising temperatures and extreme heat cause serious human health effects, such as dehydration, heat exhaustion. Hospitalizations result and even death. The department of health projected that the calculated temperature increases in Rhode Island will result in almost 400 additional emergency room visits in the year 2022 alone and nearly 1,400 more in 2084.

Researchers at the Harvard School of Public Health just published a study showing that death rates among seniors in New England increased when summer temperatures rose significantly. The risk, they believe, comes not only from the hotter temperatures but also from variability in temperatures as climate change makes the weather weirder and more unpredictable.

There is a documentary series, "Years of Living Dangerously," which looked at how this works, as has the Rhode Island Department of Health, working with Brown University. Both found that a pronounced increase in emergency room visits and deaths as temperatures rise was statistically related to heat.

In many cases, it was not specifically indicated in the chart as related to heat. This suggests that heat-related deaths and illness may be underdiagnosed if you just look at medical charts. So this is a significant health issue that we face.

Then there are the storms. Climate change will increase the frequency and intensity of extreme weather events in Rhode Island, such as Hurricane Sandy, to the tune of \$2 billion to \$6 billion in Rhode Island, according to one report. In a State of 1 million people, that is a lot of damage. The heavy rains that brought on our floods in 2010 will become more frequent as well.

This is what our health director wrote: "In Rhode Island, where our economy, culture, and identity are all so closely tied to the ocean and to Narragansett Bay, the effects of climate change will be particularly acute." Again, that is the official word of our health department.

Climate change threatens our water systems as temperatures increase and as we see more intense rain events. Stormwater and sewer overflows can contaminate Rhode Island coastal waters. Warmer waters can foster bacterial growth that can be harmful. Swimming in or consuming polluted water obviously can cause illness.

Then there is vibrio. The world-renowned shellfish of Narragansett Bay

are becoming susceptible to a group of marine bacteria known as vibrio. If vibrio gets into seafood, it can be very unpleasant. Symptoms can be especially severe in people with compromised immune systems. Rhode Island health officials now have to work with the State's shellfish industry, with the University of Rhode Island, and others to monitor water quality and shellfish growing and harvesting conditions to protect this important resource.

These are just a few of the health threats laid out in the report. The department of health is just one of many agencies and organizations in our State that have had to put climate action and clean energy at the heart of their work as we in Congress pretend this problem does not exist.

Dozens of the most dedicated and innovative minds in our State recently came to Washington for my sixth annual Rhode Island Energy and Environmental Leaders Day. Our attendees represent some of the best work being done in Rhode Island to stave off the devastating effects of climate change.

Janet Coit, our director of environmental management chairs the Executive Climate Change Coordinating Council, created by our Governor to coordinate State agencies to address threats from climate change, threats to the State's environment, the State's economy, and the State's people.

The council was established by the Resilient Rhode Island Act, passed by our general assembly in 2014. That law also set specific greenhouse gas reduction targets and incorporates consideration of climate change effects into the powers and duties of all State agencies. The bill's author, Representative Art Handy, also came down and joined us for the Rhode Island Energy and Environmental Leaders Day, along with his colleague Representative Carlos Tobon, a member of the Rhode Island House Committee on the Environment and Natural Resources.

Dennis Nixon was there. He heads Rhode Island Sea Grant at the University of Rhode Island School of Oceanography. Sea Grant works with the Rhode Island government agencies and coastal communities to support climate resiliency and to protect vibrant waterfronts.

Marion Gold, our commissioner of the office of energy resources, was there. She has advanced incentives for large and small renewable energy development in our State, and she has helped Rhode Island become the third most energy-efficient State in the Nation.

Recently, we saw this report: "Study shows Northeast states benefit from carbon cap program." We are a part of RGGI. Marion Gold helps supervise that. It has created jobs, it has saved money. It is proving that solving the carbon pollution problem is not actually a burden on the economy. It is a boost to the economy.

One of the special breakout sessions at the Energy and Environmental

Leaders Day focused on corporate sustainability efforts to spur innovation, save money, and reduce emissions.

Representatives from Microsoft, Mars—the company—FedEx, and Schneider Electric shared their sustainability success stories. For these companies, efforts to improve energy efficiency and reduce carbon emissions are more than good intentions; they are good business.

Another breakout session looked at faith perspectives on environmental stewardship. Rev. Anita Schell of Rhode Island Interfaith Power & Light came. She works with local faith-based institutions to raise awareness about climate change and about safeguarding the poor of the world, who are least responsible for and most vulnerable to climate change. As Pope Francis gives his voice to this moral calling, these faith perspectives were especially welcome.

Dozens of other smart, hard-working Rhode Islanders attended—too many to mention them all. But I am always proud of the important work going on in Rhode Island to combat climate change. It is my inspiration to continue fighting for responsible action in Washington.

As our senior Senator JACK REED told the group, "Rhode Island is one of the leaders in the country in smart policies . . . and it's the result of the culmination of lots of individual activities."

Rhode Island gets it, and we are pulling together in one direction. Our homes, our shores, and our way of life are at stake. We need every State in the Nation to join us to take this issue seriously, and we need every Senator to pay attention. It is truly time to wake up.

I ask my colleagues here today, if this were you, if something this threatening were happening to your State, would you really expect me to stand down because it was uncomfortable for big powerful industries and big aggressive donors? You would not. You would go to war to protect Utah and to protect Iowa from a threat such as this.

So forgive me if I am impatient, but this is serious in our Ocean State. If your department of health projected these kinds of threats for your home State people, you would be up in arms. So forgive me for being a little bit up in arms.

I will close with this. Look at this picture. Do you know what that is? That is a picture of Pluto. That is a picture of the dwarf planet Pluto. Do you know how we got that? We got that off of NASA's New Horizons spacecraft. It made it to Pluto after crossing the solar system for 9½ years. It traveled 3 billion miles from Earth and came within 8,000 miles of the surface of Pluto. It was traveling at more than 31,000 miles per hour, and it took 3 minutes to cross the face of Pluto, where it took innumerable images and samples for our scientists.

Let me quote one of the lead scientists, whose name is Bowman, who

managed 1 hour of sleep in her office Monday night. She said:

I have to pinch myself. Look what we accomplished. It's truly amazing humankind can go out and explore these worlds, and see Pluto revealed just before our eyes. It's just fantastic.

And it really is. These are American scientists who are able to run an American craft 3 billion miles to cross within 8,000 miles of Pluto traveling 31,000 miles an hour. When those scientists from NASA tell us that climate change is real, what do we have to say to them? We say that they are part of a hoax.

Really? Is that going to be the position of Members in this body—that the people driving a rover around on the surface of Mars and the people who flew this New Horizons craft by Pluto don't know what they are talking about when they say that climate change is real?

We have people trying to unfund their satellites so that we don't have the information to prove what is happening on climate change. Is that responsible with respect to NASA?

A day of reckoning is going to come on this, and we had better start getting this right.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, in 1965, Congress passed the original Elementary and Secondary Education Act as part of President Lyndon Johnson's War on Poverty. The centerpiece of that law, then as now, is title I funding provided as a block grant to local school districts to serve children in poverty.

The assumption in 1965 was that simply providing an infusion of Federal cash to schools with more disadvantaged children would correct educational inequities compared to more affluent schools. As it turned out, simply providing more money didn't result in improved educational outcomes for disadvantaged children.

So every time this law came back up for reauthorization, Congress added more stipulations on the use of the funds and additional programs that well-meaning Members of Congress hoped would help students.

Meanwhile, Congress kept raising the level of funding. Over time, there began to be a bipartisan realization that all this funding and all these programs were not resulting in improved student achievement, so something needed to change.

In this context, President Bush proposed what became the No Child Left Behind Act. His original proposal promised to fundamentally change the old Washington-knows-best approach to improving teaching and learning.

The theory was that we would cut the Federal strings that tied the hands of local administrators and teachers, allowing them to focus on teaching kids. In return, the law would require greater accountability in terms of student achievement outcomes.

However, the final compromise that passed Congress included a very detailed one-size-fits-all assessment and accountability system, but not the degree of local freedom that many had hoped for.

In retrospect, I think most people believe the focus on achievement for all students was positive. But like with many Federal laws, how it worked in practice didn't live up to the good intentions.

The reality is that the new federally mandated accountability system included required interventions that were cooked up in Washington and designed for big city failing school districts. These were not a good fit for communities in Iowa and many other States. Moreover, they set a new precedent for Federal intervention into how local schools are run.

Secretary Duncan took this a step further through the Race to the Top program and his abuse of the Federal waiver authority by adding conditions found nowhere in law. He used these tools to coerce States into adopting his preferred policies. These included new, even more heavy-handed mandates regarding reorganizing local schools, specific methods for schools to evaluate their teachers, and most infamously, pushing States to adopt the common core standards.

I believe these actions go well beyond any authority Congress gave the Secretary of Education, and I told him so in a letter when he denied Iowa's waiver. This should be a warning to Congress that if you give an inch, Federal officials might just take a mile.

The high-stakes system in No Child Left Behind also created negative incentives for schools to focus on getting passing test scores rather than meeting the individual learning needs of each student.

For instance, I have had a concern for a long time in how Federal education policy affects gifted and talented students. The exclusive focus on bringing struggling students up to some minimum level means that we are setting our sights on mediocrity.

Left out of this equation are gifted students, including those from disadvantaged backgrounds, who have enormous potential but need to be challenged to reach that potential.

At the end of the day, the goal of making sure all students are receiving a quality education is a good one, but the record of Washington's intervention in this issue has not been a success. It is time for Congress to take a step back and have a little humility. We don't know what's best for every child in every school. We can't design a single national education system that can meet the individual needs of children we will never meet.

Our Founding Fathers designed a federal system of government for a reason. The principle of federalism is that decisions should be made at the level of government as close as practicable to the people those decisions impact.

When it comes to education, no one has a greater stake in educational decisions, or knows better what is right for a specific child, than that child's parents. As a result, parents should have maximum control over their child's education. When governments make decisions that impact education, it should be at a level of government as close as possible to the parents and children who are affected.

The Every Child Achieves Act is a step in that direction. It eliminates the very specific mandates on States requiring that they evaluate schools based on test scores and apply federally designed interventions. States will be free to design their own assessment and accountability systems.

The bill retains the requirement that States test annually in grades 3-8, which I understand was necessary to get a bipartisan agreement. However, States will have wide discretion in how they design their assessments. And, the elimination of the federally mandated school interventions that raise the stakes on the test results will reduce teaching to the test.

This bill also consolidates Federal funding in a way that provides more latitude to local school districts to better meet their individual needs, although less so than in the House-passed bill. By contrast, the Obama administration's blueprint for reauthorizing the Elementary and Secondary Education Act called for replacing the current set of Federal mandates with a new set of Federal mandates. What the President proposes would include even more intrusive, mandatory Federal interventions for certain schools.

It also proposed a series of new Federal competitive grants with broad purposes, which puts smaller rural schools at a disadvantage and gives the Secretary of Education an inappropriate degree of control over which schools get funding for which purposes. Moreover, the President's blueprint proposes tying Federal education funds to the adoption of State content standards that are "college and career ready," which is code for common core.

In short, the Obama blueprint would have essentially ratified this administration's heavy-handed intrusions into how and what students are taught and enabled further Federal overreach.

The Every Child Achieves Act represents a rejection of that approach and an admission that the model of Federal control of local schools has not worked. As a result, President Obama has said he cannot support the bill as it stands unless it adds back more power for the Secretary. That position flies in the face of what I hear from Iowa educators and parents.

In fact, this bill quite intentionally tightens up some of the language in current law to prevent future overreach by the Secretary of Education. For instance, the Elementary and Secondary Education Act has always required States to develop a State plan to show how it will comply with the law in order to get Federal funding.

Under current law, the Secretary of Education is charged with approving the plan unless it does not meet the requirements of the law. That should be sufficient to tell the Secretary that he must approve a plan so long as it complies with the law.

However, given the current Secretary's track record, the language in this bill is more explicit. It requires the Secretary to deem a State plan approved within 90 days of its submission unless he can provide a detailed description of the specific requirements in law that the State did not comply with. It then lists three pages of explicit limitations on the Secretary's authority describing what he cannot consider in evaluating a State plan. That is then followed by a rule reemphasizing that the Secretary cannot require anything at all from States beyond what is in the law.

This bill also voids any conditions attached to waivers already granted by the Secretary of Education and prohibits the attaching of any new ones in the future.

I am also glad that this bill includes very comprehensive language I worked on with Senator ROBERTS to explicitly shut off all the avenues this administration has used to coerce States to adopt the common core standards. This will free States to adopt whatever content standards they choose based on the input from their citizens without Federal coercion or fear of Federal repercussions.

Too often, Congress passes vague laws that delegate excessive discretion to Federal agencies to fill in the blanks. This bill is an improvement over the standard practice. It makes congressional intent more clear and fills in many gaps to ensure that the Department implements the law as intended rather than based on the whims of the Secretary.

Some bipartisan compromise is necessary for any bill to pass the Senate, and like any compromise, most people can find some things they don't like in this bill. Some Senators feel this bill goes too far in reducing the Federal role in education and some Senators feel it doesn't go far enough. I am one of those Senators who would prefer to see a maximum degree of State and local control and I voted for amendments to that effect.

However, the Every Child Achieves Act is a step in the direction of reducing Federal control on local schools so teachers can teach and parents know who to hold accountable for decisions that affect their children. Given the current mess with an unworkable law on the books, many States ceding control over major policies to Washington in return for a waiver, and an unprecedented degree of Federal intervention into what happens in neighborhood schools, it is overdue for Congress to act. Local schools can do more when Washington does less. Let's give them that chance.

I yield the floor.

## EDUCATION

Mrs. FEINSTEIN. Mr. President, I wish to talk about our education system—why it is not working and what we can do to fix it.

Ensuring every child in this country gets a high-quality education is critical to our country's future. Education remains the primary tool to obtaining a good-paying job and building a middle-class life. But too many children are not getting the education they need to succeed in the 21st century workforce.

Nearly 20 percent of students don't graduate from high school. For Hispanic and African-American students, the dropout rate is nearly 25 and 30 percent, respectively.

Hundreds of thousands of high-skilled jobs remain unfilled, and too many Americans find themselves stuck in low-wage jobs that can't support their families. Simply put, our education system is failing our children.

There are a number of reasons for this. Our education system is one-size-fits-all. Teachers are forced to teach to the test and our schools are not equipped with support services to address the many issues that prevent children from learning.

In my view, the main reason we are falling short is that our education system is one-size-fits-all, which doesn't work in education. Students learn differently. Some flourish in large settings and others in small settings with more teacher attention.

Students have varied needs based on where they live. Do they live in a rural area, suburb or city? What is their economic status? Is their family living in poverty? How is their home life? Are they raised in a single parent household? What are their individual interests? Do they like art and music? Or are they more interested in science and technology?

A child who comes from an affluent home in the suburbs learns differently from a child living in poverty in a city. Both children can learn—if the right approach for each child is taken. We need to give States and local school districts more flexibility to do what is right for their students.

Teaching to the test is another problem that plagues our education system. When the emphasis is placed on memorization rather than comprehension, or answering essay questions with a formula rather than reasoning and critical thinking, students are not actively engaged in learning.

Students fail to gain the comprehension and critical thinking skills needed in college and to be successful in the workplace. That is a big reason why up to 60 percent of students who enroll in college need to take remedial English and math classes. Schools need to be places where children learn, not where children memorize.

A child's life outside of school has a tremendous effect on his or her ability to succeed in school. Does a child get enough to eat at home? Are a child's

parents working multiple jobs to pay the bills? Is there violence in the home? Is a child homeless?

Our schools are not equipped with the support services they need, such as mental health professionals and basic health care services that help to address the issues that prevent children from learning.

The good news is that we have solutions to these problems. They are in place, and they need to be implemented on a larger scale.

During the 2013–2014 school year, California implemented its local control funding formula, which targets State funding for poor students, students of color, students with disabilities, foster youth, and English learners.

Under this new formula, local districts can use that funding to teach these students in the way that best works for them. It has made a difference. For example, San Diego Unified School District plans to reduce class sizes from a 25-to-1 to a 22-to-1 student teacher ratio in 29 of the most disadvantaged schools.

The district also plans to look at resource equity and provide expanded access to counseling services and additional services for English learners and students with disabilities.

We also need to expand charter schools and provide continued support to existing, high-quality charter schools. Charter schools tailor instruction to each student and are not bound by traditional school district requirements.

Every child deserves a quality education, and many children who struggle in underperforming schools go on to flourish in charter schools. Here are just a couple of examples from California:

Nolan from East Los Angeles was reading below grade level when he enrolled in a charter school. Within 6 months, he had advanced two grade levels.

Trina, a seventh grader in the Bay area, stated:

I think KIPP teachers are extremely important because they teach us everything we need to know to reach our goal of climbing the mountain to college. I can remember back to my very first day as a KIPPster. We learned that we would need to "work hard" and "be nice." Working hard meant that in our English classes we would be reading and writing every day. When I came to KIPP, I found out that I was at a second grade reading level in the fifth grade! I was shocked, so I worked hard and got to the sixth grade reading level by the end of the year.

Parents desperately want opportunities for their children, and unfortunately the demand for charter schools remains much higher than the supply. Currently in California, approximately 150,000 students are on waiting lists. We need to continue to invest in the expansion and development of charter schools so more children receive the education they deserve now.

Providing support services to at-risk students has also proven to be successful. If students are less worried about