NOT VOTING—4

| | |
|---|---|
| Carper | Nelson |
| Graham | Rubio |

The amendment (No. 2169) was agreed to.

AMENDMENT NO. 2137

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on the Portman amendment No. 2137.

The Senator from Ohio.

Mr. PORTMAN. Mr. President, amendment No. 2137 is about early college high school. This is a program that is working incredibly well around the country, both to get young people through high school and to increase graduation rates, which is part of the objective of this legislation, and also to get them not just into college but to stay in college. All of the experience from this program indicates it is working.

I had a recent opportunity to visit the Dayton Early College High School, the academy, and 100 percent of their graduates are from a low-income area. Almost every single one of the students were either the first generation to go to college or into the military. Their retention rate in college is incredibly impressive. This amendment encourages more of that.

Early college high schools are working. It is part of the reform effort that is being undertaken in my State and others, and I strongly encourage a ''yes'' vote.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I am honored to join with the Senator from Ohio in cosponsoring this amendment. I, too, have recently visited an early college high school in my home State, which Delaware State College, our historically Black college, has established. It has shown real promise in terms of the possibilities for college access, college affordability, and college completion.

I urge an ''aye'' vote from my colleagues.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 2137.

The amendment (No. 2137) was agreed to.

VOTE ON AMENDMENT NO. 2159

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on Bennet amendment No. 2159.

Mrs. MURRAY. Mr. President, I yield back our time.

Mr. ALEXANDER. Mr. President, I yield back.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the question is on agreeing to amendment No. 2159.

The amendment (No. 2159) was agreed to.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, that concludes the votes for now. We are moving along very well. We expect to have votes at 4 p.m. today on amendments by Senators ISAKSON, BENNET, LEE, and FRANKEN. We may have other votes.

Senator MURRAY and I have a number of amendments that Senators have suggested to us. We would like to move through them today and tomorrow.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:05 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

## EVERY CHILD ACHIEVES ACT OF 2015—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I am here today to stand up for Maryland and for all the students who could lose resources under an amendment offered by the Senator from North Carolina, Mr. BURR.

There is much I admire about Senator BURR, but his current amendment would cause Maryland tremendous problems. The Burr amendment would punish States that make significant investments in those students who need extra help. This amendment would not do one thing to lift kids out of poverty or to close the achievement gap. In fact, it makes it worse.

The so-called hold-harmless provision that is in the amendment does not hold Maryland harmless. It does not prevent any of the Maryland school districts from losing money. Under the Burr amendment, Maryland would lose $40 million. Let me repeat. Under the Burr amendment, Maryland would lose $40 million.

Marylanders know that I have always been on the side of students, teachers, those who run programs, and the taxpayers who pay for them. We in America believe in public education, where one generation is willing to pay taxes to fund the education of the next generation.

Title I in the Elementary and Secondary Education Act was created to lift children up and to close the education gap.

Let me tell you what the Burr amendment would do. Right now, every county and Baltimore City would lose money. There are 24 school districts in Maryland, with 400,000 public school students. Mr. President, 170,000 students—or 45 percent of that population—are eligible for something called title I funding. If the Burr amendment passes, every single one of those boys and girls would lose academic resources they currently get. Let me give you the numbers: Baltimore City, 12 percent; Baltimore County, 23 percent; Garrett County in western Maryland, 20 percent; Somerset County on the Eastern Shore, 15 percent.

From my students in urban schools in the Baltimore/Washington corridor to my rural schools in western Maryland and the Eastern Shore, every single one loses resources, and if you lose resources, you lose opportunity. If we believe in an opportunity ladder, then do not cut off the rungs. It is not the schools that lose, it is the kids who lose. They lose resources and they lose opportunities.

I have heard from school superintendents across Maryland. They tell me the same thing over and over: Do not cut the money for title I.

Dr. Henry Wagner, the superintendent in Dorchester County over on the Eastern Shore, says that the rural schools on the Eastern Shore would be impacted and that he would have to eliminate teaching positions, reduce reading and math services. And the very services to bring in parents would go by the wayside.

Over in Washington County, the gateway to the Eastern Shore, Dr. Clayton Wilcox, the superintendent of Washington County schools, describes how a rural school would be harmed. In his letter in which he describes title I, he said: Senator MIKULSKI, title I resources ''have allowed us to create hope.'' He said: ''They have enabled us to provide extra instructional support in literacy and math—subjects that open up windows and doors often shut to [these boys and girls].'' Without title I dollars, Washington County would have to cut this instructional support in literacy and math. He writes: ''Senator BURR's amendment is bad for the children and young people of Maryland.'' It is bad for all of the children in Maryland.

Baltimore City, where we certainly have had our share of problems lately, would be deeply cut. Right now, Baltimore City receives $50 million. It will lose 10 percent of that funding. Mr. President, $5 million in Baltimore right now sure means a lot. If we cut that money, we are going to shrink pre-K access. The afterschool and summer learning programs will go by the wayside. If they go by the wayside, you will not only have kids with time on their hands, but they will fall behind in reading, in the very things they had gained over the school year. And the professional development for teachers, especially those new teachers we were bringing in, will be eliminated.

I am so proud that Maryland allocates more of its title I dollars to schools that need it the most. For example, 85 percent of students in Baltimore—those kids live in poverty. It has the lowest wealth per pupil in Maryland. So the State allocates more of its resources in this area.

Maryland actually gets penalized under the Burr amendment for putting money where it will do the most good, and, in fact, Maryland gets penalized for making education a priority. Well, I thought we believed in State determination. If a State determines it is going to make a significant investment

in public education and make the funding of the closing of the achievement gap a priority, why punish it for States that cut taxes, cut opportunity? And now we want to change the formula to reward their behavior when we should be rewarding the good behavior of States like my own.

This amendment is bad for Maryland, it is bad for other States, and most of all it is bad for children. Mr. President, 58 percent of the students who benefit from title I funding will get fewer resources, less opportunity.

Title I certainly does need to be reformed and refreshed. Senators MURRAY and ALEXANDER should be congratulated in the way they led the committee through a civil, cogent process. But we cannot make changes based on the needs of a handful of States that essentially have penalized their own children.

The last time the Congress reauthorized the Elementary and Secondary Education Act was in 2001. During that reauthorization, Congress clearly stated that it shall be a national priority that title I should be a priority. In that bill, Congress committed to steadily increase funding for title I. But Congress never fully funded the program. It never provided the adequate funds.

In the major effort that was done just 2 weeks ago within the appropriations bill of Labor, Health and Human Services, and Education, Senator MURRAY offered an amendment to increase title I by $1 billion. Every single Republican on the committee voted against it.

We cannot keep doing this. We need to fully fund title I. This is not about statistics. This is not about numbers. This is about human beings. The genius of America is that we believe—we believe—in the education of our people, that we truly believe that the way we lift all boats in our country is to have a public education system that works well and is funded adequately.

We have had a formula that has worked for title I because it rewards those States that are willing to make public education and the next generation a priority. Let's keep the formula we have. Let's reform where we need to. And let's make sure that our focus is not on bottom lines but that more children get to the head of the class.

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

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

Mr. DONNELLY. Mr. President, early childhood learning is critical to building a strong foundation for each child's welfare and success. It is linked to better outcomes in school, such as high school and college completion rates, higher wages, and better social and emotional skills.

Research shows that for every dollar spent, the benefits of early childhood education to society are $8.60. Around half of that reflects increased earnings for children when they grow up. Early childhood education can also lower involvement with the criminal justice system and reduce the need for remedial education.

Clearly, early childhood education such as pre-K is crucial to preparing each generation for the academic and professional challenges ahead. There is no doubt that families play a critical role in achieving academic success. When families are involved in children's learning at a young age, it better prepares them to succeed in school. Research shows that when parents and families are involved in their children's education, children are more likely to succeed. For example, children whose parents read to them at home recognize letters and write their names sooner than those whose parents do not.

It is because of the importance of early childhood education and parent and family involvement in that early education that I worked on language that is now included in the Every Child Achieves Act.

I thank my colleagues, Chairman ALEXANDER and Ranking Member MURRAY, for working with me to include language allowing funding for programs that promote parent and family engagement in the new early learning and improvement grants as a part of the Every Child Achieves Act. This effort was also supported by the National PTA, the National Center for Families Learning, the National Education Association, and the American Federation of Teachers. The competitive early learning alignment and improvement grants would provide funding to States that propose improvements to coordination, quality, and access for early childhood education. The language I worked on would allow States to use funding from the early learning alignment and improvement grant to develop, implement or coordinate programs determined by the State to increase parent and family involvement; encourage ongoing communication between children, parents, and families, and early childhood educators; and promote active participation of parents, families, and communities.

I thank my colleagues again for working with me to get this included in a substitute amendment because parent and family engagement in those early years is critical to each student's success as well as to our country's future.

I am committed to working with partners in Indiana to ensure that Hoosier children can take advantage of these important programs, and I stand ready to continue working with my friends on both sides of the aisle to further invest in early childhood education so we can provide brighter futures for more Hoosiers and additional American children.

Mr. President, 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.

Mr. BENNET. Thank you, Mr. President.

I am obviously a Senator from Colorado, but as I rise, I am speaking more as the father of three daughters in the Denver Public Schools and a former superintendent of schools.

It was a great privilege of mine, probably the privilege of a lifetime, to have been the superintendent of Denver Public Schools for almost 5 years. I can't begin to express, as I am standing on this floor, my gratitude for what I have learned from teachers, principals, and parents who were sending their kids to what was then a school district that had seen declining enrollment for many years. It is now the fastest growing urban school district in America. Of course, the students themselves day after day inspired all the adults around them to want to help deliver a high-quality education.

But I also was struck when I was superintendent with the barriers that we have accepted as a country and as a society that we would never accept for our own children. We would never accept them for our own children. The first barrier I talked about on the floor before is the fact that if you are born poor in this country, you show up to kindergarten having heard 30 million fewer words than your more affluent peers. This is an enormous barrier we haven't addressed as a country, and there are many other challenges up to and including the fact that we have made it harder and harder as years go by for people to afford a college education without bankrupting themselves or shackling themselves to a mountain of debt.

In the face of all that, we have been very slow to change. We have been very slow at every level to change the way we deliver K–12 education or early childhood education through higher education. Let me just give you one example that this bill addresses today, in part. We have done almost nothing in this country to change the way we attract teachers, recruit teachers, inspire teachers, train teachers, reward teachers, since we had a labor market that discriminated against women and said the only job you can have is being a teacher or being a nurse. Those are your two jobs. So why don't you come to the Denver Public Schools and teach Julius Caesar every year for 30 years of your life for a really low compensation. But if you stick with us for 30 years—which you would not do anymore—we will give you a pension worth three times that of Social Security. That sounded like a good deal because you

were likely to outlive your spouse, you weren't paid a lot during your lifetime, and you get the pension at the end. We have done nothing to change that. That is our offer.

I can tell you again—not speaking as a politician but speaking as a school superintendent, speaking as somebody who has never done anything but substitute teach. I have never actually taught as a traditional teacher. I substitute taught from time to time. That is the hardest job a person can have, especially when you are teaching in a high poverty school. It is much harder, I can say without any doubt, than any job any Member of the U.S. Senate has. Yet we have an offer that belongs to an era that no longer exists.

In all honesty, we used to subsidize the public education system in this country through that discrimination in our labor, our approach to labor, because even though the deal wasn't a good deal, we might have been able to get the very best British literature student in her class to commit to be a teacher of British literature because she had no other options except for perhaps becoming a nurse. Fortunately, that hasn't been true in this country for 30 or 40 years, but we haven't updated the offer, and we haven't changed the way we train our teachers once they get there.

That is why this bill is important in some parts because it makes some important steps in the right direction. We are not going to teach children from Washington. Our kids who today are in systems all across this country in their schools and classrooms are never going to remember who here worked on the new version of the Elementary and Secondary Education Act. That is not going to be of concern to them, but hopefully what they will remember is a third grade teacher who made a huge difference for them, a fourth grade teacher who made a huge difference for them, a college adviser who took a special interest and made sure somebody who didn't know that college was for them was for them.

Our job, it seems to me, is to do what little we can to try to help put people at home in a position to do that job. That is why it is critical in this bill that we raise the quality of professional development by encouraging ongoing training and education that actually tracks the specific strengths and areas of growth for each individual teacher, instead of group workshops that we know are ineffective. For instance, teachers who need help in classroom management will receive training in that specific area, if a school district or a school would want to do that.

We promote collaboration and the use of common planning time, so that teachers can work together in groups as teams, each of whom may have a different view of each kid but together can figure out how to get each child in the school to their potential. One of the things I heard all of the time from the teachers that I worked with in Denver was that they felt that they faced a binary choice when it came to their profession. Yet they loved to teach. They loved being with the kids. But the only other option besides teaching was becoming a principal or going to work in the central office. We worked very hard in that school district and across the State to think differently about career ladders for teachers, to give more opportunity and options for people to give back, and to be able to help perfect their own craft as teachers by learning from their peers and also serving as master teachers.

This bill, for the first time, allows funding to be used for hybrid roles that allow teachers to serve as mentors or academic coaches while remaining in the classroom. It creates options, as I said. It encourages teacher-led and colleague-to-colleague professional development among teachers. I may have learned it the hard way, but I know that nobody knows how best to improve instruction more than our teachers do.

But the struggle is how to figure out how to break out of the old roles to give people the opportunity to be able to have the chance to mentor their colleagues and also, significantly, have the time in the school day and in the school year, when the stress of other business makes it hard to do, to create the time for people to be able to work together for our kids.

In this bill we recognize the work that is happening in cities such as Chicago, Denver, and Boston, around teacher residency programs, an alternative approach to bringing teachers into the profession, not relying anymore solely on higher education, understanding that maybe what we need is content matter experts who can learn how to teach by being latched to master teachers in a school district such as the Denver public schools, who bring their content, their substance from their undergraduate degree but can acquire a masters as they are learning on the job in the classroom, as in a medical residency program. We allow funding to be used for that. These programs can provide critical clinical experience to teacher candidates.

There is funding to train and place effective principals to lead high-need and low-performing schools. You cannot have a good school without a good principal. Ask anyone. You cannot have a good working environment for a teacher without a good principal. It is impossible. We skipped over that in our efforts of implementation across the country. When I had the good fortune to be the superintendent of Denver Public Schools, my chief academic officer was a guy named Jaime Aquino, a gifted school leader.

He and I would start every single day for 2 hours with a group of 15 principals in one of their schools. It was not about broken boilers, and it was not about who got left on the bus. It was about teaching and learning in Denver Public Schools.

We would do the same thing for 3 weeks, and then we would start over again, which meant that I got to see every principal in my school district once every 3 weeks, and they got to see each other. They came to understand that they had a reciprocal obligation to each other as we thought about the obligation we had to the kids in Denver. I will give you an example of one of the sessions. Jaime would bring a 1½-page piece of student writings to these meetings, because it is really important for teachers to look and analyze student work to be able to differentiate their instruction to meet the individual needs of kids in the classroom.

It is easy to say that. It is easy to have the fly-by professional development where a bunch of people are sleeping in auditorium listening to really boring stuff. It is another thing to actually get people to want to do the work. At the beginning it was hard. We would pass out that piece of student writing and you would hear sort of a crescendo as people were talking about it, and they would say: I cannot read this. I don't know what this says. This looks like a foreign language to me.

Then Jaime would say: Based on what you have read, what are Nancy's strengths as a writer?

She turned out to be a very typical fourth grader in our school district.

They would say: Well, she writes from left to right. She has a sense of story structure. She spells high-frequency words correctly.

Jaime would say: Well, why is that? He would say: Well, maybe she had a vocabulary test. He would say: Maybe she had a word wall, and she is using it to scaffold her instruction.

Over time, the principals saw what their role was as leaders and how reliant we were on them.

I can tell you firsthand that school leaders have a powerful affect dramatically improving the quality of teaching and raising student achievement, and we have skipped over them. This bill no longer skips over them.

We also update and improve the teacher incentive fund in this bill. We encourage districts to redesign their systems for recruiting, hiring, and placing teachers.

We incentivize districts to think about paying different teachers differently. In Denver, we don't have a monopoly on wisdom, but if you are working in a high-poverty school, you get paid more for that. It is harder to find you. It is a harder job. We recognize that. If you are teaching a subject for which it is hard to find people to teach, we pay a little more for that.

If you are driving student achievement or your colleagues are, we pay you a little more for that. Through this incentive fund, we promote school autonomy over budgeting, staffing, and other school-level decisions. We incentivize folks to change hiring schedules so high-need schools can hire

earlier in the year and select from the best and brightest teachers, instead of the reverse.

So we have done some good things here on teachers. It is one of the reasons why I am supporting this legislation. I want to thank Chairman ALEXANDER and Ranking Member MURRAY, who are both on the floor today, for their exceptional leadership in bringing this bill out of committee. The people who are watching this on television know that this body cannot seem to agree on anything these days. Because of their work, we were able to produce a bill that got unanimous support in the HELP Committee. Every single member of the committee supported it. Imagine that. Imagine that in this body.

You know what. There are no ringers on that committee either. That committee has the junior Senator from Kentucky on it, Mr. PAUL; it has the junior Senator from Vermont on it, Mr. SANDERS, and everybody in between. That is a rare case of unanimity among a very diverse set of Senators, which I think argues well for getting this bill through in the Senate and hopefully in the House.

I see my colleague is here. If I can just take 2 more minutes I want to mention a word or two about the title I formula. I have joined my friend from North Carolina in supporting an amendment to change the title I funding formula. The formula I think that we are trying to propose today is sensible and eliminates the overly complex and opaque formulas that we currently have. It creates one formula that is targeted and provides more funding for districts with higher concentrations of poverty.

I am extremely sensitive to the arguments that others have made, such as my friend from New York. I also agree that we need to invest significantly more in our kids. This formula change is good for my home State of Colorado. I think if you are a poor kid in Alamosa or Woodrow, CO, you deserve every chance to get a great education, including receiving an equitable share of Federal resources.

With that, I see my colleague from Utah is here. So I will relent and yield the floor and come back at a later time.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO 2162 TO AMENDMENT NO. 2089

Mr. LEE. Mr. President, I ask to call up and make pending the Lee amendment No. 2162.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 2162 to amendment No. 2089.

Mr. LEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Elementary and Secondary Education Act of 1965 relating to parental notification and opt-out of assessments)

On page 52, strike line 3 and all that follows through line 9 and insert the following:

''(K) PARENTAL NOTIFICATION AND OPT-OUT.—

''(i) NOTIFICATION.—Each State receiving funds under this part shall ensure that the parents of each child in the State who are scheduled to take an assessment described in this paragraph during the academic year are notified, at the beginning of that academic year, about any such assessment that their child is scheduled to take and the following information about each such assessment:

''(I) The dates when the assessment will take place.

''(II) The subject of the assessment.

''(III) Any additional information that the State believes will best inform parents regarding the assessment their child is scheduled to take.

''(ii) DELAYED OR CHANGED ASSESSMENT INFORMATION.—If any of the information described in clause (i) is not available at the beginning of the academic school year, or if the initial information provided at that time is changed, the State shall ensure that a subsequent notification is provided to parents not less than 14 days prior to the scheduled assessment, which shall include any new or changed information.

''(iii) OPT-OUT.—

''(I) IN GENERAL.—Notwithstanding the requirement described in section 1111(b)(3)(B)(vi), or any other provision of law, upon the request of the parent of a child made in accordance with subclause (II), and for any reason or no reason at all stated by the parent, a State shall allow the child to opt out of the assessments described in this paragraph. Such an opt-out, or any action related to that opt-out, may not be used by the Secretary, the State, any State or local agency, or any school leader or employee as the basis for any corrective action, penalty, or other consequence against the parent, the child, any school leader or employee, or the school.

''(II) FORM OF PARENTAL OPT-OUT REQUEST.—Unless a State has implemented an alternative process for parents to opt out of assessments as described in this subparagraph, a parent shall request to have their child opt out of an assessment by submitting such request to their child's school in writing.

''(iv) APPLICABILITY.—The requirements relating to notification and opt-out in this subparagraph shall only apply to federally mandated assessments. A State may implement separate requirements for notification and opt-out relating to State and locally mandated assessments.''.

On page 58, on line 21, after ''paragraph (2)'' insert ''(except that such 95 percent requirements shall exclude any student who, pursuant to paragraph (2)(K), opts out of an assessment)''.

Mr. LEE. Mr. President, I ask unanimous consent that Senator PAUL be added as a cosponsor to my amendment.

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

Mr. LEE. Mr. President, parents and teachers all across America are frustrated by Washington, DC's heavy-handed, overly prescriptive approach to public education policy. I have heard from countless moms and dads in Utah who feel as though anonymous Federal Government officials, living and working 2,000 miles away, have a greater say in the education of their children than they do.

One of the most frustrating issues for parents is the amount of standardized tests that their children are required to take, particularly the tests that are designed and mandated by the Federal Government. It is not just the frequency of those tests that is frustrating. Too often parents do not know when these federally required assessments are going to take place, and they do not even find out until after the fact. It is important to recognize that this is not a partisan issue. The notion that parents should not be expected to forfeit all of their rights to the government, just because they enroll their children in the public school system, is not a Democratic idea nor is it a Republican idea. It is simply an American idea.

That is why several States, including States as distinct as California and Utah, have passed laws that allow parents to opt out of federally required tests. But there is a problem. Under current law, States with opt-out laws risk potentially losing Federal education dollars if a certain portion of parents decides opting out is best for their children, because schools are required to assess 95 percent of their students in order to—and as a condition to—receive Federal funds.

The bill before the Senate today, the Every Student Achieves Act, does not fix this problem. My amendment does. Here is how. My amendment would protect a State's Federal funding for elementary and secondary schools by removing the number of students who opt out of Federal tests from the number of non-assessed students. In other words, the number of students opting out of federally required tests could not threaten a State's eligibility to receive Federal funds.

My amendment would also give parents more information about tests mandated by the Federal Government, ensuring that parents are notified of any federally required assessment that children are scheduled to take. It would allow parents to opt out their children from such assessments. It is important to note that this amendment would have no effect on assessments that are required by the State, local education agency, school or teachers. Nor does it prohibit a State from expanding their parental opt-out laws to apply to a broader set of assessments if they choose to do so.

This amendment would not jeopardize a State law that provides parents the opportunity to opt out their children and it would allow the State to continue to use its own process that allows parents to take such action.

Whether you believe the bill before the Senate today strikes the appropriate balance between Federal and State control, I think all of my colleagues can support this amendment. I believe all of us can agree that parents

should have the final say in their child's education and should have access to information about the testing that is taking place before that testing takes place, and they should be able to decide whether their child will be part of that testing.

I urge all of my colleagues to support this amendment.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Utah for his comments. We will be voting on the Senator's amendment this afternoon at 4 o'clock, and I want to just make a couple of comments about it.

I have a little different view of what his proposal is. He talks about our being opposed to Washington's heavyhanded approach. The way I understand his proposal, it is even more of a heavyhanded approach than the bill we are voting on today, and this is why.

His proposal is that Washington tells Utah or Oklahoma or Tennessee or Washington State what to do about whether parents may opt out of these federally required tests. Now, they are not federally designed. Utah has its test. Tennessee has its test. They are designed by the States, but they are required. And there would be—since 2001, and this continues that—for example, two tests for a third grader. The testimony would be that it might take 2 hours for each test, so that would be 2 hours for a math test, 2 hours for a science test; then again in the fourth grade, 2 hours for a math test, 2 hours for a science test.

I don't think anyone believes those are a great burden on students, it is all the other tests that seem to be required as schools prepared for the tests I just described. What we have done in this legislation is restore to States the power to decide how much these standardized tests count.

So the legislation Senator MURRAY and I have proposed—and that came out of our committee unanimously—for the first time authorizes States to decide whether parents may opt out, may allow their children to opt out of these tests or not. Let me say that again. The legislation that Senators will be voting on, hopefully tomorrow for final passage, allows States to decide for themselves whether parents may vote to opt out of the No Child Left Behind tests.

The proposal from the Senator from Utah is a Washington mandate that says to States that Washington will decide that.

So our proposal is local control. His, the way I hear it, is Washington knows best. That is like Common Core.

The proposal that is on the floor for a vote tomorrow says Washington may not mandate to any of our States what its academic standards should be. That ends the Washington Common Core mandate. In the same bill, why should we put a Washington mandate about whether you can opt out of your test? Why don't we allow States to make that decision?

So I say to my Republican friends, especially, do we believe in local control only when we agree with the local policy? I don't think so.

The great economist Art Laffer likes to say: States have a right to be right, and States have a right to be wrong.

I have a different view. I am going to vote no on the amendment of the Senator from Utah because it takes away from States the right to decide whether and how to use the Federal tests and whether parents may opt out.

Why is that a problem? Well, in the following States, States use these tests as part of their State accountability system. They don't have to do it, but they do use it. I am told by the State of Tennessee that if we were to adopt the Utah proposal Federal mandate, that the State would have to come up with a different accountability system.

So which States on their own have decided to use these tests as part of their State accountability system? Florida has, Georgia, Idaho, Indiana, Kentucky, Louisiana, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, and Texas.

So I urge my colleagues to vote for the Alexander-Murray proposal because it reverses the trend toward a national school board and specifically allows States to decide whether States may opt out of tests while the amendment goes the other way. It is a Washington mandate that takes away from States the ability to make that decision.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 2194 TO AMENDMENT NO. 2089

Mr. ISAKSON. Mr. President, I ask to set aside the pending amendment and call up my Isakson amendment No. 2194.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 2194 to amendment No. 2089.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require local educational agencies to inform parents of any State or local educational agency policy, procedure, or parental right regarding student participation in any mandated assessments for that school year)

On page 110, strike lines 7 through 17 and insert the following:

''(1) INFORMATION FOR PARENTS .—

''(A) IN GENERAL.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding any State or local educational agency policy, procedure, or parental right regarding student participation in any mandated assessments for that school year, in addition to information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following:

Mr. ISAKSON. Mr. President, I begin my remarks by commending Ranking Member MURRAY and Chairman ALEXANDER on a tremendous due diligence effort to see to it that we finally answered the question that States have been asking for 7 years; that is, when are you going to reauthorize the Elementary and Secondary Education Act? When are you going to end the day when 82 percent of all educational public school systems have to get waivers from Washington to teach children the way they want to teach them? When are you going to see to it that money can flow to the States and flow to the student from those States, not everything flow from Washington to the student. It is about time we fixed the Elementary and Secondary Education Act.

In my lifetime, I have been in elected office for 38 years. I have been in every legislative body I can legally be elected to, and I have served on the Education Committee in the Georgia House, the Georgia Senate, the U.S. House, and the U.S. Senate. I don't know a lot about a lot of things, but I know a little bit about public education. In fact, in 1996, Zell Miller, whose seat I now hold in the Senate, called on me to take over the Georgia State Board of Education when Georgia had a major crisis. So I learned under fire.

I learned the following: Children rise to expectations, and in an absence of expectations, children sink. That is why gangs attract kids from broken families, because they seek some kind of recognition, and the gang gives it to them.

We need to make sure education gives them that recognition, that expectation, and that goal to reach higher and higher standards, but that happens closest to home, not in Washington, DC. It happens where the parents and the children are. The more opportunities parents have to engage with their children—the children see the expectations of their local students and their local citizens—the better off they will be, which is why in the committee I offered the amendment which is included in the body of the Alexander-Murray bill, which allows parents in States that approve it to opt out of any testing they want to opt out of—a parent's right to see to it they can opt out of a required test if the State allows them to do so.

Amendment No. 2194, which is before us now, makes sure that provision is in the section of the bill that calls for the parents' right to know. So every parent has the right to know whether the State allows an opt-out. It already lets them know what their child's teacher's qualifications are, what their level of achievement in school is, notice if their child is being taught by a teacher not meeting State standards, and rights as a parent of an English language learner.

The bill is specific in all of those areas, telling the parent: It is your right to know if we have an ESL Program. It is your right to know if we allow an opt-out, and if we do not allow an opt-out, it is your right as a citizen to go to the board of education and make sure we do offer one. In other words, we are opening the door for local control the way all of us planned on it being for years and for years and for years.

It is time we took the shackles off public education. The Washington weight is dragging it down. It is time our school systems no longer have to come to Washington for waivers and all those types of things, but instead we said—in the case of title I, our poorest kids and among those most in need of help, our IDEA kids, where the Federal Government has a role—besides those two areas, it is time for the local system to see to it they are meeting the needs of those kids, the parents know what the system is doing, and the parents have a right to inquire. And if the parent doesn't want the kid to be tested the way the State is doing it and the State allows it, they should be able to opt out. That is the ultimate of local control. It is also the ultimate of expectations for the child through the parent and the school, not through some Washington mandate.

You know the old saying: Education makes people easy to govern and impossible to enslave, easy to build and impossible to drive.

Education is the power that leads our democracy to discoveries. Just today in America—or just sometime today in America—Pluto was discovered by an American satellite that was launched 9 years ago. It has been traveling hundreds of thousands of miles a second to go there. That manpower was done in the educational system of the United States of America.

There is no dream that can't be realized in this country, but it has to be based on education and knowledge. It has to be based on a country that relishes education, a State that embellishes education, and a parent that is involved with their child.

I commend Senator MURRAY and Senator ALEXANDER for their work, for including the opt-out provision in the base of the bill. I ask and hope the Senate will adopt my amendment to require that in the parents' right to know, that provision is made available to every single parent in terms of what the State does and does not require when their kids go into the public school system. So we have a better informed parent, better local control, less Federal mandate, and a child who has expectations that are raised for them by the parents and the teachers closest to them, not by a bureaucrat in Washington, DC.

We live in the greatest country on the face of this Earth. You don't find anybody trying to break out of the United States of America. They are all trying to break in. And when you ask them why, it is because it is a country of opportunity, education, hope, and promise.

Today and tomorrow, the Senate has the ability to reauthorize the Elementary and Secondary Education Act, which has languished for 7 years without a reauthorization. I hope we will do it and give local systems and local boards of education and the parents the choices they need to make the decisions that are right for their children.

I encourage every Senator to vote for amendment No. 2194, the Isakson opt-out amendment and the parental right-to-know amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the Senator from Washington is going to speak in just a moment, but while the Senator from Georgia is on the floor, I thank him for his huge contribution to this bill that would fix No Child Left Behind. No committee member has been more valuable than he. He has worked with Senator MURRAY to include within a provision an important step on early childhood education.

He has used his experience as chairman of the Georgia State Board of Education and as a member of the education committee in both the Senate and the House to help us know how to do a better job here.

He is the champion of giving parents the right to know whether their State gives them the opportunity to opt out of the federally required tests. That is his amendment today. And he was the sponsor of the amendment that appears in the Alexander-Murray bill, which gives States the express authority to decide whether the parents may opt their children out of the tests.

So the Isakson amendment says: Give States the power to provide the opt-out, and it gives parents the opportunity to know enough information to be able to do it. That is consistent with this legislation, which requires the important measurements of achievement so we can know whether children are achieving and whether schools are achieving, but then restores to States and local school boards, classroom teachers, and parents the decisions about how to help those children achieve.

That is the kind of local control of education that I think most of us on both sides of the aisle—whether it is the Senator from Montana speaking this morning or the Senator from Georgia speaking this afternoon, that is the spirit of the consensus that guides this bill.

Senator ISAKSON's contribution has been enormous to the right of parents to provide an opt-out of a federally required test for them and their children if they and their State choose to do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2093

Mrs. MURRAY. Mr. President, I rise this afternoon to speak in favor of the Franken amendment, which we will be voting on shortly. I want to start with the story of Chandler, who was a 9th grader in Arkansas who experienced daily bullying and harassment. At school, his classmates harassed him based on his perceived sexual orientation. His mom described him as a good kid. She said all he wanted was to fit in, but Chandler couldn't walk down the hall between classes without kids harassing him. He wrote to his school counselor saying he couldn't handle ''being an outcast for four more years.''

And while teachers knew about the bullying, the school district never put a plan in place to address his concerns. And one day in 2010, Chandler took his own life after enduring endless bullying and tormenting at his school.

Chandler's story is more than a tragedy, it feels like an all-too-common trend for students across the country.

As a mother, grandmother, a former educator, and as a citizen, I believe Congress has to act to protect kids such as Chandler. When kids do not feel safe at school, when they are relentlessly bullied because they are different, when they endure harassment simply because of who they are, we have failed to provide them with the educational opportunities they deserve. We have failed them.

As we debate our Nation's K–12 education bill, we need to do everything we can to prevent bullying, harassment, and discrimination and provide students with a safe learning environment. Today, we will consider an amendment to address the unique challenges LGBT students face.

I thank Senator CASEY for his work on the Safe Schools Improvement Act. It is a bill we will not be voting on but will continue working on. I thank, especially, Senator FRANKEN for his tireless leadership on the Student Non-Discrimination Act.

On the HELP Committee, I have been a proud cosponsor of this legislation for years, and today I hope all of our Senate colleagues will join us in protecting students from discrimination based on their actual or perceived sexual orientation or gender identity.

Discrimination, bullying, and harassment at school leads to students who feel unsafe. It leads to kids who skip classes so they avoid harassment. Some students drop out of school because they don't feel safe there. If students don't feel safe, then there is very little else we can do to improve their education that will matter.

This type of bullying and harassment can be severe, particularly for LGBT students. The Gay, Lesbian & Straight Education Network recently did a survey on the experiences of LGBT youth in our schools. In that survey, 6 out of 10 lesbian, gay, and bisexual students reported feeling unsafe at school and 8 out of 10 transgender students said the same.

Eighty-five percent of LGBT students report they have been harassed because of their sexual or gender identity. Even

though bullying and harassment is prevalent for these students, they and their families have limited legal recourse for that kind of discrimination. I believe our students deserve better. The amendment we will be voting on will help to tackle this problem.

The student non-discrimination amendment would prohibit discrimination and harassment in public schools based on actual or perceived sexual orientation and gender identity. The amendment would also prohibit any retaliation for lodging a complaint of discrimination. That would give our LGBT students who are suffering from bullying and harassment legal recourse, and it would allow Federal authorities to address discrimination.

This amendment would offer LGBT students similar protections that currently exist for students who are bullied based on race, gender, religion, disability, or country of national origin. Unless you think LGBT students don't deserve protection from discrimination the way these other students do, this should be easy to support. This amendment is absolutely critical for expanding protections for LGBT students. Again, I thank the junior Senator from Minnesota for his tremendous work.

I know some of our Republican colleagues have argued that taking steps to prevent bullying would only create lawsuits. But I believe these students deserve justice. Giving students and families legal recourse would help provide that.

Under this amendment, the process for legal recourse would be similar to title IX, which actually has been on the books since 1972. In the majority of title IX cases, a school is more than willing to fix the problem so it no longer engages in discriminatory practices. After all, school leaders want to do the right thing and end bullying or harassment in their classrooms. They want to make sure their school is safe for a particular group of students. They want to make sure students are not discriminated against simply because of who they are. With this amendment, this same process would be afforded to LGBT students.

I have also heard some critics of this amendment say there is no need to focus on LGBT students. They don't want to define who would be covered in an anti-discrimination amendment. But that logic doesn't follow what we already know works. There is a reason the civil rights laws of our country clearly define who is protected from discrimination. For example, our civil rights laws make it clear that it is unlawful to discriminate based on race and gender. A generic anti-discrimination policy will not cut it. A vague policy would lead to years of litigation about who is and who is not protected and what legal standards should apply. Making meaningful progress to prevent bullying, harassment, and discrimination requires us to clearly define who will be protected.

We know LGBT students are being bullied. They are being harassed. They are being discriminated against. Ignoring that fact with vague language doesn't help those students; it does them a real disservice, and it is wrong.

I urge my colleagues to support this amendment. The pain physical and emotional abuse can cause is tragic.

In Ohio, a young man named Zach is an openly gay student. Since he was in the third grade, he has been called names at school. That abuse has escalated since then. When he was 16, Zach was physically attacked and repeatedly punched by another student during his third-period class. In a video from the ACLU, Zach's mom said it is not that Zach attended a bad school. She said: ''It's just not a good school for gay or lesbian children.''

It should not matter what school a child attends; all students deserve a safe learning environment. Bullying and harassment take that away from too many of our Nation's students.

I want to take a moment to note the historical significance of this debate and the vote we will be taking on shortly. A few weeks ago, the Supreme Court settled a question that for decades has been an issue of debate in our country. After years of fighting for equal rights, LGBT couples finally have the guarantee of marriage equality nationwide and the protections that all married couples enjoy.

I am proud of how far our country has come. Since the Court's ruling, this—right now, today—will be the first vote this body takes on legislation aimed at ending discrimination against LGBT individuals and in this case discrimination against LGBT children in our schools. Surely we can agree that a minority group of students who have long endured bullying, harassment, and discrimination deserves the same protections we afford other groups of students. There is no excuse for a school or for a United States Senator to stand by as our kids endure harassment and discrimination that puts their academic success and emotional well-being in jeopardy. The country will be watching.

I urge our colleagues to support this amendment and give students across the country the assurance that we are on their side.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. HEITKAMP. 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. HEITKAMP. Mr. President, I wish to thank Chairman ALEXANDER and Ranking Member MURRAY for their excellent leadership as stewards of this important bipartisan effort. In my conversations with parents, educators, and advocates across my State, one theme prevails: We must reform this outdated law. This bipartisan legislation before us, while not perfect, is a step in the right direction.

I am glad my language was included in the substitute amendment to address conflict resolution and crisis intervention services in schools. It will provide support and the ability of school districts to provide suicide, trafficking, trauma, and violence prevention models. Such models will assist educators as they foster positive school climates so that students can enter school excited and ready to learn.

However, I hope we can also advance my amendment No. 2171, which would support those schools where such preventions are needed the most. My amendment will restore access and make improvements to school and mental health support grants under an existing program in ESEA—the integration of schools and mental health systems. Unfortunately, the bill before us eliminates this program simply because of recent budget cuts. Those budget cuts have allowed for the diversion of its funding to other priorities. This program, however, is more important than ever today.

I am not calling for new or expanded funding or even a new program. The funding conversation should take place during the appropriations process. But for these purposes, we must make sure the program's authorization is not eliminated, as students across this country and students in my State critically need these integrated services that help them deal with the effects of poor educational environments as well as the effects of toxic stress and trauma.

The need to address this problem is something I have heard repeatedly since becoming North Dakota's Senator and previously in my role as North Dakota's attorney general. Through my personal experiences with affected children, school leaders, and tribal representatives, I have focused on making sure all children have the ability to succeed and overcome obstacles associated with suicide, trauma, violence, and stress on their mental health.

In May of 2015, Futures Without Violence, alongside partners such as the Alliance for Excellent Education, the National Education Association, and the National PTA, released a report entitled ''Safe, Healthy, and Ready to Learn'' that detailed how unhealthy school climates, exposure to violence, and the effects of trauma reduce academic success. As a result of such conditions, students with two or more adverse childhood experiences are more than twice as likely to repeat a grade. Students exposed to violence are at a greater risk of dropping out or having difficulty in school. Children exposed to violence scored lower on tests of verbal ability and comprehension, reading and math skills, and overall achievement on standardized tests.

As a member of the Indian Affairs Committee, I can attest that nowhere

are adverse childhood experiences more common than in schools serving this country's Native communities and Native American tribes. The suicide rate for young adults aged 15 to 34 years is 2½ times higher than the national average.

In South Dakota, from December 2014 to May 2015, the Oglala Sioux Tribe lost nine—nine—of their young people to suicide between the ages of 12 and 24. At least 103—I want to repeat that number—103 attempts were made by young people aged 12 to 24 just in those few months.

North Dakota has had a similar experience with suicide. Five young people—three teenagers and two 25-year-olds—on the Standing Rock Sioux Reservation took their own lives within a 2-month period.

Much like North and South Dakota, Montana, Wyoming, and Alaska's suicide rate has increased dramatically in recent years—jumping 70 percent in 10 years, with large increases among middle and high school students.

As populations have increased in the West, violent crime has similarly risen 121 percent in some areas. Through drug crimes, gunrunning, gang activity, and limited capacity of law enforcement, human trafficking has become epidemic, with 83 percent of all victims in the United States being American. How can we expect children to learn when they face such obstacles as these? This is an injustice.

We must make sure our schools have the means to partner with health systems and provide preventive measures and family engagement models for improving school environments and mental health stress. Unfortunately, schools are often the last line of defense for our country's most vulnerable students. My amendment would simply preserve a voluntary program that helps schools provide children stability and the tools necessary to handle mental stress.

I understand the call for Federal streamlining and local flexibility. For North Dakota, strengthening local efficiency is a top priority. However, this particular program should not be a part of that streamlining. This authorization is about updating a civil rights law based on helping all—even the most disadvantaged—students achieve and have access to a better future.

But for many of our States, those disadvantaged students are also owed a Federal trust responsibility. While this language would protect a grant program that is accessible to all, the services provided under this amendment target issues epidemic to Indian Country. As such, it would work to uphold the distinct trust responsibility of this government to provide educational resources to Native children. Much like the amendment from the senior Senator from Montana, which the Senate adopted last week, I hope the Senate will similarly protect this program.

By helping schools coordinate with health professionals specializing in addressing the effects of traumatic events and mental stress, we will secure for our most disadvantaged the equal opportunity they deserve—that equal opportunity to learn and to achieve.

I want to tell you a quick story. The first year I was elected, I had an opportunity to visit with a lot of North Dakota constituents who came into my office. I remember distinctly the day the grade school principals came to visit me, and I thought that I would prepare for this meeting—that I would prepare on No Child Left Behind. I shared a lot of their concerns, and I was ready to talk about No Child Left Behind. That is not what they wanted to talk about. One principal told me a story about two young boys who were in second and third grade who had ridden the bus that morning and beaten up two little girls. When they got to school, the principal asked them why they would ever do that. They said: Well, you understand that last night my dad beat up my mom and he went to jail. They wanted to visit their dad.

How prepared is a school district to deal with that situation? If we do not engage the mental health community, our schools will continue to be those first responders, ill prepared to deal with the trauma of that life. We have to begin to integrate these programs, and we have to look at what is happening with trauma and stress and the effects trauma and stress have on learning and the ability to succeed.

I understand and can completely appreciate and support the idea that we need to streamline programs. I think this is a program whose time has come. We should fund this program. That is a conversation for the Appropriations Committee. We have to begin to emphasize the conditions in which children live if we are going to educate all of our children equally.

I hope my colleagues will join me in supporting this amendment.

I ask unanimous consent that the Futures Without Violence report, ''Safe, Healthy, and Ready to Learn,'' be printed in the RECORD.

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

SAFE, HEALTHY, AND READY TO LEARN

EXECUTIVE SUMMARY

Dr. Martin Luther King, at the crossroads of this nation's civil rights movement more than 50 years ago, talked about the ''fierce urgency of now.'' Today, more than ever, every child deserves equality of access and opportunity that will prepare him or her to compete in the changing economies and realities of the 21st century. Yet, for too many children, exposure to violence and trauma can deny them both access and opportunity. Forty-six million children in the United States will be exposed to violence, crime, abuse, or psychological trauma in a given year: two out of every three children in this country. They are our sons, daughters, grandsons, granddaughters, nieces, and nephews. They are our future.

There is an undeniable urgency of now to shine the light on these children and, even more importantly, prevent our children from exposure to violence. We owe it to them to give them the opportunity to live up to their full potential. We should not wait, we cannot wait, and we must not wait.

In partnership with leaders from throughout the health, education, justice, and child development fields, Futures Without Violence (FUTURES), with the support of The California Endowment, Blue Shield of California Foundation, and the Lisa and John Pritzker Family Fund, has spent the last year working to develop public policy solutions to prevent and address childhood exposure to violence and trauma. We examined research, consulted with experts across the country, and convened a multi-disciplinary working group to develop a comprehensive set of recommendations designed to combat this silent epidemic.

Children's exposure to violence, trauma, and ''toxic stress'' can have a permanent negative effect on the chemical and physical structures of their brain, causing cognitive impairments such as trouble with attention, concentration, and memory. Adverse Childhood Experiences (ACEs) research documents the short- and long-term connections between exposure to violence and other adversity and poor health and educational outcomes, such as increased absenteeism in school and changes in school performance. Individuals who have experienced six or more ACEs die, on average, 20 years earlier than those who have none. We know that the effects of this trauma are playing out in numerous ways every day.

The good news is that we know what works to prevent harm and heal children. Our collective task is to identify and elevate the effective policies, programs, and practices that are working and advance them at the federal, state, and local level. This report is designed to do just that.

FUTURES is especially grateful to the thoughtful work and commitment of our policy working group, which made the report possible. The group is unique in its diverse membership and in the willingness of its participants to cross boundaries and recognize the interconnectedness of multiple issues. From reforming school discipline practices and creating positive school climates to combating child abuse and promoting children's physical, emotional and mental health, the group worked to examine and lift up core strategies to meet the needs of the whole child, to address trauma in children's lives, and to create conditions to allow our children to thrive and succeed.

GOALS

The working group developed a set of recommendations that will support each of these seven goals:

1. Invest early in parents and young children
2. Help schools promote positive school climates, be trauma sensitive, and raise achievement
3. Train educators, health care workers, and other child-serving professionals about preventing and responding to youth violence and trauma
4. Prevent violence and trauma
5. Improve intra- and inter-governmental coordination and alignment
6. Increase the availability of trauma-informed services for children and families
7. Increase public awareness and knowledge of childhood violence and trauma

SUMMARY OF RECOMMENDATIONS

The following summarizes the key recommendations for each goal:

No. 1—Invest early in parents and young children. The federal government should support states, local jurisdictions, and tribes in providing parents, legal guardians, and other caregivers the resources necessary to help their children thrive. A multi-generational

approach to comprehensive and evidence-based services and trauma-informed care promotes positive caretaking, reduces inequities, enhances family cohesion, and interrupts the cycle of intergenerational trauma. We recommend expanding the federal Maternal, Infant, and Early Childhood Home Visiting Program (MIECHV) and implementing a two generation approach to addressing ACEs, child abuse, and domestic violence. We also suggest modifying Medicaid and child welfare financing formulas to extend services to parents to address their own experience of trauma.

No. 2—Help schools promote positive school climates, be trauma sensitive, and raise achievement. The federal government should provide significant resources and incentives for states and local jurisdictions to create connected communities and positive school climates that are trauma-sensitive to keep students healthy and in school, involved in positive social networks, and out of the juvenile justice system. Such investments should increase opportunity and close achievement gaps, promote health, resilience, social and emotional learning, and engage the school personnel necessary to effectuate a positive learning environment. We recommend using the reauthorization of the Elementary and Secondary Education Act to support the creation of positive school climates; supporting full-service community schools that include school-based health centers; adopting inclusive disciplinary policies that involve the community; reconsidering school safety strategies and prioritize investing resources in students' emotional health and social connections; providing assistance to school districts in their efforts to prevent and appropriately respond to incidents of bullying; and having the United States Department of Education design and disseminate a practice guide that offers school-wide strategies and best practices for creating trauma sensitive schools.

No. 3—Train educators, health care workers, and other child-serving professionals about preventing and responding to youth violence and trauma. States and other accrediting bodies should support training and certification of child- and youth-serving professionals to effectively respond to children's exposure to violence with a coordinated and trauma-informed approach. Our report urges that school personnel should be trained on implementing effective academic and behavioral practices, such as Positive Behavioral Interventions and Supports and social and emotional learning, and providing pediatricians and staff in community health settings the tools they need to serve traumatized youth.

No. 4—Prevent violence and trauma. Federal, state, and local governments and tribes should increase incentives and expand violence prevention efforts to reduce children's exposure to violence. Research and strategies should be interwoven among the fields of community violence, child abuse, school violence, sexual assault, and domestic violence. Specific policy recommendations are as follows: expanding funding for domestic violence prevention and response services within the Family Violence Prevention and Services Act; providing greater technical assistance to health care providers so they can effectively deliver universal education to parents and caregivers about the impact of exposure to violence on youth and deliver more integrated care to children who may already be exposed to violence; expanding targeted prevention programs focused on healthy relationships among youth developed jointly by the Centers for Disease Control and Prevention and the Office on Violence Against Women; engaging men and boys in prevention; and supporting resilient and healthy communities.

No. 5—Improve intra- and inter-governmental coordination and alignment. Federal, state, and local governments and tribes should better coordinate youth violence prevention and early intervention approaches among themselves and with non-governmental organizations, particularly as it relates to school/community and public/private sector coordination. We recommend the creation of a White House task force to identify specific youth violence and trauma prevention goals, make recommendations on how federal agency resources can be used to meet those goals, and provide guidance to state and local partners. In addition, the federal government should include incentives in relevant federal grant applications for states and localities to demonstrate collaboration in service delivery.

No. 6—Increase the availability of trauma-informed services for children and families. It is time to incentivize and fund states, localities, and tribes to scale up the availability of trauma-informed services for children and their families exposed to violence. These services should support the implementation of two-generation, trauma-informed approaches, coordinate efforts among schools, homes, and communities, and ensure gender-specific and culturally competent practices. We recommend permitting federal entitlement programs to support child trauma assessment and intervention, such as home-based services and crisis intervention, that provide for child well-being, family stability, and community health. The federal government should provide specific support and attention to youth in the juvenile justice system, in foster care, and to those who are homeless.

No. 7—Increase public awareness and knowledge of childhood violence and trauma. Federal, state, and local governments and tribes should support public education and engagement campaigns to increase awareness of the adverse effects of childhood exposure to violence and trauma. The campaigns should describe action people can take to prevent harm, and promote effective solutions. We recommend that the federal government, in coordination with the states, conduct a mass media campaign that highlights the impact of ACEs and helps to reduce the stigma attached to those who seek professional help.

We know that meaningful change will not happen overnight, and we recognize that budgets are tight at all levels of government. However, inaction is not an option—not when tens of millions of children are affected by violence and trauma each year. We know what works. We know that these investments will save money and will prevent many children from suffering. This report provides a blueprint for what needs to be done. It is now up to all of us, as policymakers, educators, advocates, and parents, to take action to ensure that our children's future is bright.

Ms. HEITKAMP. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from North Dakota for bringing up a critically important issue. The need for counseling and mental health resources in our schools cannot be overstated. There are so many kids who appear to be slow learners and have problems that can be traced directly to these issues.

I know that teachers aren't trained to be psychologists and psychiatrists. Many of them are struggling just to teach. So I think the resources that the Senator from North Dakota is talking about are absolutely essential, and I hope her amendment prevails. I will be happy to support it.

Mr. DURBIN. Mr. President, we come together every few years to debate education. Why does the Federal Government get into the conversation about grade schools and high schools? Because 50 years ago we created programs sending Federal money to these schools.

In my State, about 5 percent of all the money spent on education comes from Washington. The rest of it comes from State and local sources. Sending this money to schools was part of a program for accountability back in the 1960s. The problems we faced were largely twofold, problems of poverty and the resulting difficulties that children had in school and problems with racial discrimination. So we tried to resolve these by sending resources to States and holding them accountable if they received Federal money to move toward improving test scores and performance for children and breaking down the walls of segregation.

It is 50 years later. We have tried so many different approaches to this, and under President George W. Bush, a conservative Republican, there was a surprising new approach called No Child Left Behind. What was surprising is that a conservative Republican President actually called for a bigger role of the Federal Government when it came to education.

President Bush felt that we should hold schools and teachers accountable, that we should test to make sure they were making progress, and frankly, call them out if they were not. It was a pretty bold and controversial idea. Now we come together years later in an effort to do it differently. This bill before us, the Every Child Achieves Act, basically shifts the pendulum to the other side and says that now we are going to give it back to the States to measure the performance and progress of schools and intervene where necessary.

I think this is a worthy effort. We may find that we have gone too far in moving it all back to the States and away from the multiple tests that face school districts under No Child Left Behind, but we are engaging in this new approach in the hopes that it will be better and fairer and that more kids in America will get a good education. That is generally why I think we are here on this floor.

There is one aspect of it which I think we should still maintain, and that is the question or issue of accountability. Senators MURPHY of Connecticut, BOOKER of New Jersey, COONS of Delaware, and WARREN of Massachusetts filed an amendment which I have joined with to insert meaningful accountability measures in this bill, including identifying the 5 percent lowest performing schools—high schools where less than two-thirds of the students graduate—and subgroups of students who are not doing well.

There is a concern on the other side of the aisle, and even from some of my friends and supporters, that we are going back to the Federal accountability standards when schools or subgroups are not succeeding. That is not the case with this amendment. It allows the States to still decide which interventions are warranted, but it makes the information public as to how the schools are doing, particularly those that are really struggling, the lowest 5 percent of schools—high schools where two-thirds of the students are not performing. We should know this, and we should hold the States accountable now that it is their responsibility to intervene to make sure that they achieve this. To ignore it and turn our backs on it is not fair. It is to ignore a half-century commitment by this government with the title I program in particular and other programs in our government to really help the States to improve with Federal resources.

We have gone away from overtesting in No Child Left Behind, but let's not reach the point where we ignore the results. Let's hold States accountable. Let them come up with the interventions as required, but let's do it in a way that is transparent so there is accountability. I support this amendment, and I hope it is called up soon.

Mr. President, there is another amendment that may soon be before us offered by Senator BURR of North Carolina that would make changes in the title I funding program in terms of the allocations to States. Title I is the single largest source of Federal funding for elementary and secondary education. It helps States and districts address poverty and the needs of low-income students.

Senator BURR of North Carolina has created a new formula to send money from Washington back to the States. Not surprisingly, his State does very well with that formula, others not so well. The Burr amendment, which we finally saw in writing last night, would be devastating to low-income students in Illinois. It would reduce my State's share of title I funds by $180 million a year. So 28 percent of all the title I funds now coming into the State would be eliminated by the Burr amendment.

Chicago public schools are struggling. Mayor Emanuel, who is in charge of these schools, is trying to resolve decades' old problems with pensions, trying to put the money into the schools, and faces some extremely difficult choices.

Under the Burr amendment, Chicago's public schools would lose $68 million. It is not just about the city of Chicago. Every district in Illinois that receives title I funds for low-income students would see a cut. North Chicago and East St. Louis are the two poorest school districts in the State. East St. Louis is my hometown and where I was born. North Chicago would see a 24-percent cut of money for low-income students, and East St. Louis would see a cut of 18 percent—one of the poorest towns in my State. Rockford would lose $5 million, a 31-percent cut. Rock Island would see a 43-percent cut with the Burr amendment, and Carbondale and Danville, 27 and 20 percent, respectively. Springfield, my hometown, would lose $2 million or 26 percent of their total funds would be cut because the Senator from North Carolina wants to take more money home to his State.

These types of cuts to Illinois, divvied up among districts in other States, isn't a responsible Federal policy for making sure low-income kids in Illinois get a good education. It isn't responsible, and I have to say to my friend and colleague from North Carolina that he is in for a fight. He may think he has chosen just enough States to get a little more money to get a majority together, but my colleagues, at least on this side of the aisle, realize that tomorrow someone else could come up with a little different formula that would be devastating to their own States. This amendment is the most hurtful and damaging amendment that is before us in this bill as far as my State is concerned.

AMENDMENT NO. 2093

Third, there is an amendment from my friend from Minnesota, Senator FRANKEN, called the Student Non-Discrimination Act, also called SNDA. I urge all of my colleagues to support it. SNDA will provide critical protection for LGBT students by explicitly prohibiting discrimination in public schools based on actual or perceived sexual orientation or gender identity.

A few weeks ago the Supreme Court had a historic decision when it came to same-sex couples having the right to marry. While this decision is a major historic achievement, there is more that needs to be done. Students who are or are perceived to be lesbian, gay, bisexual or transgender continue to face extraordinary discrimination.

A recent survey showed that 85 percent of these students reported harassment. The survey also found that these students didn't perform well when they were subjected to this harassment. That is no surprise. Research also shows that these teenagers are four times more likely to attempt suicide, and 40 percent of the homeless students and children in America are LGBT.

I support Senator FRANKEN's amendment. Let's end this discrimination.

Finally, I support the amendment offered by the Senator from Pennsylvania, BOB CASEY, which is based on the Strong Start for America's Children Act, to improve and expand high-quality early childhood education for more than 3 million low-income kids. The Casey amendment would help 100,000 kids in low-income families in Illinois get into pre-K. How important is that?

Well, I am a grandfather and proud of it. We have twin grandkids who are 3½ years old. My wife and I spend a lot of time talking with them and reading to them. These kids are doing just great. They have terrific parents and are heading to pre-K in just a few months. They won't even be 4 years old when they enter the pre-K program in the city of Brooklyn, NY. We are excited about it. We know they are going to do well. Their parents, and maybe even their grandparents, have helped them reach that point.

What BOB CASEY and his amendment try to do is to extend that opportunity to a lot of families—low-income families that may not have the luxury of being able to spend time with their kids the way other families can. Let's give those kids a fighting chance. Let's give them the pre-K education that gets them off to a good, strong start so they can learn and ultimately earn.

I support the Casey amendment, and I hope my colleagues will too.

I yield the floor.

AMENDMENT NO. 2093

Mr. LEAHY. Mr. President, this important debate about how to improve our schools is an opportunity to ensure that children have access to equal educational opportunities. Lesbian, gay, bisexual, and transgender students often face pervasive harassment and bullying in our schools. We must ensure that all children can attend school in a safe and healthy environment. That is why I am proud to support the amendment offered by Senator FRANKEN.

Similar to his bill on this topic, the Student Non-Discrimination Act, this amendment would instill core principles of basic civil rights in our Nation's schools. These are commonsense, fundamental rights that all Americans deserve, particularly children. No person—of any age—should face discrimination because of their race, economic status, religion, gender, gender identity, sexual orientation, or learning abilities.

I have heard from countless Vermont parents about their children being bullied at school and online. I am reminded of the tragic story of Ryan Halligan, an Essex Junction student who took his own life at age 13 after being bullied for his physical appearance. After years of torment, the teasing Ryan endured turned into physical violence. Ryan was harassed online by one of his peers, who took private messages Ryan had sent and showcased them for other students in the school. Ryan was later publically shamed for what he thought was an innocent interaction between himself and a friend.

No child should ever face the needless horror of harassment or bullying. Unfortunately, as many as 7 in 10 students who are, or are perceived to be, lesbian, gay, bisexual, or transgender have been bullied or harassed. But unlike other forms of harassment in our schools, bullying based on gender identity and sexual orientation is often overlooked, and students and their parents have limited legal options to hold schools accountable for discriminatory treatment.

The Franken amendment would extend Federal protections from discrimination in public schools based on actual or perceived gender identity or sexual orientation. The amendment prohibits public school students from being excluded from educational programs on the basis of sexual identity and allows students to take civil action against such discrimination. It also ensures that students who file suit will not face retaliation of any kind. It is a sad reality that discrimination still exists in our country, and that Americans need the powerful anti-discrimination protection of our civil rights laws. But these abuses are happening in our schools, and children are suffering as a result.

What is worse, LGBT youth who face bullying at school do not always have a sanctuary at home. A disproportionate and growing number of runaway and homeless youth are LGBT, often because their families have rejected them. We must ensure that these kids have a safe place to stay, because they are vulnerable to abuse and sexual exploitation while living on the street. That is why Senator COLLINS and I included a nondiscrimination provision in another key piece of legislation, the Runaway and Homeless Youth and Trafficking Prevention Act. This bill would ensure that no child in need of shelter is turned away based on their sexual orientation or gender identity. We cannot protect these children from every injustice they might face, but we should at least ensure that they will be safe in our public schools and federally funded shelters. I will continue to fight for these protections.

I am proud of the many students in Vermont who have taken steps to prevent bullying in their schools and communities. In 2014, Rutland High School students were nationally recognized for their ''Positive Post-it'' campaign, in which small notes of praise and encouragement to fellow students were placed on windows and message boards throughout the school. These young students at Rutland High School should be commended for reminding us all that bullying and discrimination have no place at school. Students across the country are doing their part and we must do ours as well.

Last month, the Supreme Court issued two consequential and historic rulings protecting the basic rights of all Americans to marry and to access housing free from discrimination. Our Nation has come a long way but our work must continue. All Americans, especially our children, deserve the same Federal protections. We have the opportunity to extend this simple principle of basic fairness to children across this country and make our schools safe places for all children to learn. I hope all Senators will support this important amendment.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 2194

Mr. ALEXANDER. Mr. President, on behalf of the Senator from Washington, I ask unanimous consent that the 4 p.m. vote begin now.

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

The question now occurs on the Isakson amendment No. 2194.

Mr. ALEXANDER. Excuse me. My fault, Mr. President.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I got a little ahead of myself. I should have checked with Senator ISAKSON to see if he wished to speak on behalf of his amendment. I see he is now here. Why don't we allow him to do that, and then I will ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the chairman of the committee, and I wish to reiterate my appreciation for what he and Senator MURRAY have done to bring a great bill to the floor.

This is the ultimate local control amendment, which says if a State allows an opt-out, a parent can opt their kid out of testing, and it requires the States to ensure that parents know if opting out is possible. It is a good amendment for children and local control, and I encourage everyone to cast a ''yes'' vote.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I support this amendment, and I thank Senator ISAKSON for working with us on this. I encourage a ''yes'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ALEXANDER. Mr. President, 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 South Carolina (Mr. GRAHAM) and the Senator from Florida (Mr. RUBIO).

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 97, nays 0, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—97

| | | |
|---|---|---|
| Alexander | Casey | Feinstein |
| Ayotte | Cassidy | Fischer |
| Baldwin | Coats | Flake |
| Barrasso | Cochran | Franken |
| Bennet | Collins | Gardner |
| Blumenthal | Coons | Gillibrand |
| Blunt | Corker | Grassley |
| Booker | Cornyn | Hatch |
| Boozman | Cotton | Heinrich |
| Boxer | Crapo | Heitkamp |
| Brown | Cruz | Heller |
| Burr | Daines | Hirono |
| Cantwell | Donnelly | Hoeven |
| Capito | Durbin | Inhofe |
| Cardin | Enzi | Isakson |
| Carper | Ernst | Johnson |
| Kaine | Murphy | Shaheen |
| King | Murray | Shelby |
| Kirk | Paul | Stabenow |
| Klobuchar | Perdue | Sullivan |
| Lankford | Peters | Tester |
| Leahy | Portman | Thune |
| Lee | Reed | Tillis |
| Manchin | Reid | Toomey |
| Markey | Risch | Udall |
| McCain | Roberts | Vitter |
| McCaskill | Rounds | Warner |
| McConnell | Sanders | Warren |
| Menendez | Sasse | Whitehouse |
| Merkley | Schatz | Wicker |
| Mikulski | Schumer | Wyden |
| Moran | Scott | |
| Murkowski | Sessions | |

NOT VOTING—3

| | | |
|---|---|---|
| Graham | Nelson | Rubio |

The amendment (No. 2194) was agreed to.

AMENDMENT NO. 2210

The PRESIDING OFFICER. There will now be 2 minutes of debate prior to a vote on Bennet amendment No. 2210.

The Senator from Colorado.

Mr. BENNET. I thank the Presiding Officer.

Mr. President, as the father of three girls in Denver Public Schools and as a former school superintendent, I know there is a lot we can do to streamline tests, but the problem is not the Federal requirement. That is not the real problem. The real problem is the way the Federal requirement works with States and the way the State tests have piled up on the Federal requirements.

That is why States should establish a cap on the total amount of time spent taking these assessments. This target would be State-determined, subject to discussion among parents, teachers, and policymakers. If the district exceeds the policy cap, it would be required to simply notify parents. This is an essential way to respond to concerns voiced by students, parents, teachers, principals, and communities across the country about overtesting.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate?

Mrs. MURRAY. I yield back time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to Bennet amendment No. 2210.

The amendment (No. 2210) was agreed to.

AMENDMENT NO. 2162

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote on Lee amendment No. 2162.

The Senator from Utah.

Mr. LEE. Mr. President, my amendment would clarify that parents—not the Federal Government—are the primary educators of their children. It would ensure that parents may allow their children to opt out of federally mandated tests.

Now, the Senator from Tennessee, Mr. ALEXANDER, is right that States should be free to make their own tests mandatory if they so choose. However, that is not what this bill allows. This bill mandates that States give these

tests and requires them to get the content of such tests approved by the Secretary of Education.

My amendment is silent on the question of State tests. It simply clarifies that tests mandated by this Congress are, in fact, voluntary, and that parents—not politicians or bureaucrats—will have the final say on whether individual children take Federal tests. It also ensures that the Federal Government cannot punish a State by restricting Federal funding for education should parents choose to opt out their children from these tests.

Thank you.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I urge a ''no'' vote. This bill is about reversing the trend toward a national school board. The amendment of the Senator from Utah is about more of a national school board. The Alexander-Murray bill expressly says that a State may decide whether to allow parents to opt out of these tests. The Senator's amendment says: Washington knows best; it will tell States what the policy should be.

That is like common core. Our bill says: We are eliminating the Washington mandate on common core. He would reinstate a Washington mandate on the opt-out policy. I would say this to my Republican friends: Do we only agree with local control when we agree with the local policy?

Art Laffer says: States have a right to be right. States have a right to be wrong. A ''no'' vote is a vote for local control. A ''yes'' vote is a vote for a national school board.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I concur with the remarks from the chairman of the committee and urge a ''no'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. COATS). 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 South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. RUBIO), and the Senator from Alaska (Mr. SULLIVAN).

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 32, nays 64, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—32

| | | |
|---|---|---|
| Ayotte | Ernst | Paul |
| Barrasso | Fischer | Perdue |
| Blunt | Grassley | Risch |
| Boozman | Heller | Sasse |
| Cassidy | Hoeven | Scott |
| Coats | Inhofe | Sessions |
| Cotton | Johnson | Shelby |
| Crapo | Lankford | Toomey |
| Cruz | Lee | Vitter |
| Daines | McCain | Wicker |
| Enzi | Moran | |

NAYS—64

| | | |
|---|---|---|
| Alexander | Franken | Murray |
| Baldwin | Gardner | Peters |
| Bennet | Gillibrand | Portman |
| Blumenthal | Hatch | Reed |
| Booker | Heinrich | Reid |
| Boxer | Heitkamp | Roberts |
| Brown | Hirono | Rounds |
| Burr | Isakson | Sanders |
| Cantwell | Kaine | Schatz |
| Capito | King | Schumer |
| Cardin | Kirk | Shaheen |
| Carper | Klobuchar | Stabenow |
| Casey | Leahy | Tester |
| Cochran | Manchin | Thune |
| Collins | Markey | Tillis |
| Coons | McCaskill | Udall |
| Corker | McConnell | Warner |
| Cornyn | Menendez | Warren |
| Donnelly | Merkley | Whitehouse |
| Durbin | Mikulski | Wyden |
| Feinstein | Murkowski | |
| Flake | Murphy | |

NOT VOTING—4

| | |
|---|---|
| Graham | Rubio |
| Nelson | Sullivan |

The amendment (No. 2162) was rejected.

AMENDMENT NO. 2093

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote on Franken amendment No. 2093.

The Senator from Minnesota.

Mr. FRANKEN. Mr. President, the Student Non-Discrimination Act would extend the same Federal civil rights protections available to other children to LGBT children.

I feel very strongly about this, and let me tell you why. LGBT kids are facing an epidemic of bullying in our schools. Nearly 75 percent of LGBT students say they have been verbally harassed at school. More than 30 percent report missing a day of school in the last month because they felt unsafe.

Sometimes kids cannot endure the taunting. These boys, 11 years old, 13, and 15, committed suicide because they were harassed relentlessly, and they are just three of the many tragic cases. And in case after case, the parents begged the school to do something, only to be ignored. Our laws failed these children, but we can change that. We have come very far on this issue. As a body, we passed ENDA, which protects LGBT adults, but this is about children.

It is our job as adults, not just as Senators, to protect children. Think about the LGBT people you know—your friends, staff, family. Now imagine them as children just beginning to discover who they are but doing so in the face of taunts and intimidation. You cannot get a good education if you dread going to school. My amendment just says that schools would have to listen when a parent says ''My kid isn't safe'' and then do something about it.

I thank the chairman and the ranking member for committing to hold this vote. I strongly urge my colleagues to vote to protect our children.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Minnesota for bringing up the amendment and for the way he has participated in our debate and worked for us to make it possible to get a result.

I am going to ask for a ''no'' vote on this amendment. There is no doubt that bullying or harassment of children based on actual or perceived sexual orientation or gender identity is a terrible problem and has become in some parts of our country even accurately described as an epidemic. But the question is, Is this an argument that is best addressed to the local school board or to the State board of education or to a national school board in Washington, DC?

We have 50 million children in 100,000 public schools and 3.5 million teachers. No more set of issues is more difficult to deal with on an individualized basis in a rural area in Alaska or the mountains of Tennessee or the middle of Harlem than a case of harassment or bullying. Teachers, principals, and school advisors deal with those every day. We do not know more about that than they do. The U.S. Department of Education cannot make regulations for that many different kinds of instances.

This substitutes the judgment of the people closest to the children, who cherish them—substitutes the judgment of Washington bureaucrats for them. It allows the Federal Government to regulate and dictate local school gender identity policies, such as those related to restrooms, locker rooms, and dress codes. It will lead to costly lawsuits.

It is well-intentioned. It is a problem that needs to be addressed, but it should be addressed by the local school board, the State board of education, and not by a national school board in Washington, DC.

I urge a ''no'' vote.

Mr. FRANKEN. Mr. President, may I ask how much time is remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 10 seconds at this time.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak for 30 more seconds.

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

The Senator from Minnesota.

Mr. FRANKEN. This isn't about lawsuits; this is about schools doing the right thing when the parents ask. They are the same protections granted to the kids by virtue of their race. That wasn't a local issue; that was a Federal right we had to pass. The same with title IX for girls. That is why we just won the World Cup.

This is the right thing to do. We are adults here. Let's protect children. Let's protect children. This is not about lawsuits. It is about adults, about a parent calling the principal and saying ''My kid is being harassed'' and then the principal will do something—because they aren't. They aren't in many, many cases.

Thank you.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent for 20 seconds to conclude.

Mr. FRANKEN. I object. I am joking.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the question is whether difficult cases of bullying and harassment of whatever kind in 100,000 schools with 50 million children are best handled by the judgment of men and women close to the children, close to the circumstances, or by Senators in Washington and Federal employees in the U.S. Department of Education.

I believe this legitimate concern should be addressed by those who are closest to the children because they cherish the children more and they will care for them.

I urge a ''no'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. RISCH. 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 South Carolina (Mr. GRAHAM) and the Senator from Florida (Mr. RUBIO).

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 52, nays 45, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—52

| | | |
|---|---|---|
| Ayotte | Heinrich | Murray |
| Baldwin | Heitkamp | Peters |
| Bennet | Heller | Portman |
| Blumenthal | Hirono | Reed |
| Booker | Johnson | Reid |
| Boxer | Kaine | Sanders |
| Brown | King | Schatz |
| Cantwell | Kirk | Schumer |
| Cardin | Klobuchar | Shaheen |
| Carper | Leahy | Stabenow |
| Casey | Manchin | Tester |
| Collins | Markey | Udall |
| Coons | McCaskill | Warner |
| Donnelly | Menendez | Warren |
| Durbin | Merkley | Whitehouse |
| Feinstein | Mikulski | Wyden |
| Franken | Murkowski | |
| Gillibrand | Murphy | |

NAYS—45

| | | |
|---|---|---|
| Alexander | Enzi | Paul |
| Barrasso | Ernst | Perdue |
| Blunt | Fischer | Risch |
| Boozman | Flake | Roberts |
| Burr | Gardner | Rounds |
| Capito | Grassley | Sasse |
| Cassidy | Hatch | Scott |
| Coats | Hoeven | Sessions |
| Cochran | Inhofe | Shelby |
| Corker | Isakson | Sullivan |
| Cornyn | Lankford | Thune |
| Cotton | Lee | Tillis |
| Crapo | McCain | Toomey |
| Cruz | McConnell | Vitter |
| Daines | Moran | Wicker |

NOT VOTING—3

| | | |
|---|---|---|
| Graham | Nelson | Rubio |

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Delaware.

Mr. COONS. Mr. President, as the Senate this week considers the first major reform bill for our Nation's public schools in over a decade, I rise to talk about how we can ensure that every one of our country's children goes to a great school no matter his or her ZIP Code or background. Our Nation has long struggled to fulfill our fundamental promise of equal opportunity since our Nation's founding. It is a struggle that, despite many efforts, continues today.

Fifty years ago, as America fought to break down racial barriers in our Nation's classrooms, President Lyndon Johnson signed the Elementary and Secondary Education Act into law. This civil rights act recognized that without actively investing Federal resources in educating America's underserved children, their dreams would remain tragically deferred.

Since then, our country has continued to struggle with this fundamental civil rights challenge. And five decades after Johnson's landmark law and 14 years after President Bush revamped it with the bipartisan No Child Left Behind Act, we still haven't found a way to ensure that as a nation, we hold every school to the high standards our children deserve.

This week marks the latest effort in this long struggle. The Senate's reform bill, titled the ''Every Child Achieves Act,'' makes important strides to improve what went wrong in 2001's No Child Left Behind. I would like to start by commending Senator PATTY MURRAY and Senator LAMAR ALEXANDER for accomplishing what has eluded the Senate for so many years—a truly bipartisan compromise that deals with some critical but often divisive issues at the heart of America's public schools. They have worked tirelessly on this bill because they understand the urgency of our national education crisis.

In the wake of No Child Left Behind's Federal micromanagement of schools, this bill heeds an important lesson: Communities need to have some flexibility and some space to innovate and find their own solutions to their education problems. But I would urge my colleagues that as we work together to fix many of the law's weaknesses, we not lose sight of some of No Child Left Behind's important accomplishments.

For all its many problems, it exposed uncomfortable realities in America's classrooms and empowered policymakers with real data that simply did not exist before. Most importantly, it refused to lower our Nation's expectations of any school and demanded that every child in America gets the education he or she deserves.

In our drive to decrease the law's rigidity and address its many other challenges, we must maintain those high standards and continue to hold States and school districts accountable. Unfortunately, if it passed today, the Every Child Achieves Act would turn back the clock to a time when local control too often meant national indifference. It would risk letting too many of our children fall through the cracks.

I, myself, have seen how this indifference can hurt America's students. For 20 years, I was actively involved with the national ''I Have a Dream'' Foundation, which works to send some of our country's most at-risk students to college. I had the opportunity to visit schools all over the United States, in some of our most stressed and challenged neighborhoods and some of our most struggling and difficult schools. When I met with students during those visits and asked them about their vision for their own future, while many wanted to become teachers, doctors or scientists, too many others did not believe those kinds of careers could ever be within their grasp.

This, to me, illustrated the twin tragedies of our public education system; the fact that for many students with big dreams, their schools will not give them the chance to realize them, while for too many others, dreams long dead in their families and communities had taught them that daring to dream at all was futile.

These students had fallen victim to what President George W. Bush so accurately described as the ''soft bigotry of low expectations.'' They had internalized the failings of the system around them to mean they were not worth investing in, so they might as well just give up from the beginning.

There are two ways I believe we can and should improve the Every Child Achieves Act to change that message, to raise the expectations we communicate to kids from the day they are born to the day they enter the classroom, to the day they graduate.

The first way is to pass amendments that strengthen Federal accountability provisions and shine a brighter spotlight on the small fraction of our schools that fail our children. Simply put, we cannot allow ourselves to lower our expectations for any of America's schools.

I know for many of my colleagues and for teachers and students around the country, the very word ''accountability'' in the context of education is

associated with high-stakes testing and unfunded mandates, but it doesn't have to mean either of those things. Accountability means holding every school and every child to the same high standards because our public schools must work for every student no matter where they are, where they come from or how they learn. Accountability means not allowing schools to maintain the status quo when they fail to graduate large segments of their students. Accountability means refusing to lower our expectation even when the path forward seems hard.

We have already seen what accountability can accomplish for our children. Over the past decade, all students, but particularly disadvantaged students, have graduated at higher and higher rates and are performing in math and reading better than ever before. The national high school graduation rate is currently 81 percent, its highest level on record. Since 2003, the reading gap between Black and White fourth graders has closed by 16 percentage points, and over the same period Hispanic eighth graders have closed the gap in math by 24 percentage points.

Federal accountability is a critical part of ensuring we invest in all American students as if they were our own children. I urge my colleagues to support Senator MURPHY's amendment, which I am proud to join and cosponsor. This amendment would strengthen accountability in this bill by requiring States to identify low-performing schools and tailor interventions to help them improve their performance. It also ensures that schools set high goals for—and pay attention to—all students, including students with disabilities, low-income students, English language learners, Latino and African-American students.

The second amendment I wish to address takes on another piece of increasing expectations of urging every one of our children to dream. That amendment is based on my bipartisan bill called the American Dream Accounts Act with Senator RUBIO, and it would send the important message to low-income students that a college education can be within their grasp.

For too long, college has been out of reach for the vast majority of poor Americans, but unlike in past decades, economic success today is defined by college access. With the new global economy, Americans with just a high school diploma earn literally $1 million less over their working lives compared to those who go to college. Yet too many of our students who need it most are not given the tools, the resources, and the information to complete a college education.

As the administration has pointed out, just about 1 out of 10 children from low-income families will complete a college degree by the time they are 24—just 1 out of 10. The American Dream Accounts Act is designed to address and break down many of the barriers to college access that our most at-risk students face in seeking higher education. They encourage partnerships between schools, colleges, nonprofits, and businesses to develop secure, Web-based individual student accounts that contain information about each student's academic preparedness, financial literacy, connects them to high-impact mentoring, and is tied to an individual college savings account.

Instead of having each of these different resources available separately through separate silos, an American dream account connects them across existing separated programs and across existing education efforts at the State and Federal level. By connecting across these different silos, it deploys a powerful new tool and resource for students, parents, teachers, and mentors.

Many of the kids I worked with over many years at the ''I Have a Dream'' Foundation have grown up in schools, communities, and families where almost no one around them had the opportunity for a college education. These kids took that to mean college just wasn't for them, that it shouldn't be a part of their plan for their future.

As part of that organization, it was our job to change that perception, and I saw time and again how sending the message that college was a possibility from elementary school on had a powerful and compounding positive impact on these students' ideas of whom they could be and what they could achieve. It demonstrated that exciting and engaging not just young students but their parents, teachers, and an array of mentors has a cumulative, powerful, positive impact.

The American dream accounts would expand on this idea and use modern social networking technology to bring together existing programs and deliver ideas that will work for more and more of our kids. The good news is that by utilizing existing Department of Education funds, this legislation would come at no additional cost to taxpayers.

I urge my colleagues to support my amendment with Senator RUBIO. It is amendment No. 2127, and it would authorize a pilot program to begin making the American dream accounts a reality.

We have an opportunity right now to build on the bill that Senators MURRAY and ALEXANDER wrote to reform our public schools in a way that communicates to every child in every public school that they deserve a high-quality education, the kind of education that tells them not only that they should have dreams but that those dreams are within their grasp.

Mr. President, 55 years after U.S. marshals escorted first grader Ruby Bridges to school, the nature of and need for Federal intervention in public education has surely changed. While schools are no longer closed to certain races by law, too many students are dropping out of school too early or just not receiving an education that prepares them for college and future success.

So while educational inequality is no longer a story of deliberate, legalized racism in need of Federal intervention, it is, unfortunately, still a persistent and tragic national reality that afflicts classrooms from coast to coast.

We have made significant progress due in part to a bipartisan national commitment to raising the bar for all of America's children. We cannot allow ourselves to lower it once again.

I look forward to continuing this important debate and working with my colleagues to make sure this bill strikes the right balance between Federal oversight and local flexibility. We must work together to make sure this bill moves us closer toward the goal President Johnson reached for when he first signed the Elementary and Secondary Education Act into law.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. President, I now ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 27, Calendar No. 28, Calendar No. 29, Calendar No. 30, and Calendar No. 31, and that the Senate proceed to a vote without intervening action or debate on the nominations; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative action.

The PRESIDING OFFICER. Is there objection?

The Senator from Arkansas.

Mr. COTTON. Mr. President, reserving the right to object, and I will object.

The reason we should not confirm new judges to the Court of Federal Claims has little to do with these nominees and more to do with the court itself. It doesn't need new judges. We should keep in mind that the number of active judges authorized for the Court of Federal Claims by statute, 16, isn't a minimum number, it is a maximum. It is our duty as Senators to determine if the court needs that full contingent and to balance judicial needs in light of our obligation to be good stewards of taxpayer dollars.

What the caseload data shows is that the court does not need all 16 judges—far from it. As we can see from this chart, since 2007, the court's caseload has dropped dramatically and consistently every year. Last year, the court had 2,528 cases on its docket. That is 51 percent fewer than in 2011 and 68 percent fewer than in 2007, when the court had 7,185 cases on its docket.

Today, a full-time judge on the court is responsible for an average caseload of 180 cases. That is far less than the average caseload of 324 cases in 2011 and the average of 488 cases in 2007.

In light of the dramatic drop in caseloads at the court, it is hard to justify

spending more money to confirm additional judges. The court currently also uses a contingent of six senior judges who have retired from active status but can continue to hear cases. While there are currently only 11 active judges, there are actually a total of 17 judges at the court hearing cases.

Furthermore, we should understand that senior judges receive a lifetime annuity worth a full-time salary regardless of whether they handle cases. If the Senate confirms the five nominees, this will expand the number of judges receiving a salary at an extra cost of $800,000 every year.

The bottom line is that there is no caseload crisis at the Court of Federal Claims. If anything, there is a caseload shortage. It therefore makes no sense to spend more taxpayer dollars on judges that the court simply does not need. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COONS. Mr. President, I ask my colleague from Arkansas, through the Chair, first, if we cannot receive consent to take up these nominations which were made over 15 months ago as a group. I wish to briefly describe one of the truly exceptional candidates. If I might also, I think it is important for all of us in the Chamber to recognize that the Court of Federal Claims, while the actual number of cases considered may have decreased, faces a steadily increasing number of complex cases which are subject to statutory case management deadlines that drive the workload of the court and have roughly doubled in recent years from 68 back in 2005 to 113 last year and likely double that this year. So the actual number of cases may be declining, but their complexity and their workload, because of the need for them to be resolved in a certain period of time, have steadily increased, and I will simply suggest to my colleague from Arkansas that looking more broadly at the workload would suggest some of these nominees are worthy of consideration and confirmation.

I will briefly reference one of the five pending nominees, Jeri Somers, who has spent a decade at the DOJ civil division as a trial attorney but recently retired, having served in the U.S. Air Force Reserves as a lieutenant colonel, having spent two decades as a judge advocate and a military judge in the U.S. Air Force. She is a patriot, a veteran, a highly qualified attorney, and I will simply inquire of my colleague, through the Chair, whether any of the five nominees might be subject for consideration for confirmation today.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, I have to object. Again, this is not so much about a particular nominee but the fact that the Court of Federal Claims is operating with 11 active judges, and when you include the senior judges ready, able, and willing to hear cases, they have more than 16 judges allowed by statute, and those judges will continue to receive their salary even if we confirm any of these new judges.

Furthermore, as someone who has practiced at the Court of Federal Claims myself many moons ago when I was a lawyer, albeit not a very good one, I know the caseload there has always been complex, and I simply think the judges who are at the court are ready, willing, and able to handle the court's work. Therefore, I must object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Delaware.

Mr. COONS. In conclusion, we have a range of highly qualified nominees. Armando Bonilla would be the first Hispanic judge to hold a seat and has been with the Department of Justice. Thomas Halkowski, a third pending nominee, is a respected partner at Fish & Richardson in Wilmington, one of the preeminent IP law firms in the Nation, and has a wealth of experience at a variety of different Federal courts. I think all three of the nominees I referenced today will make excellent additions. While my colleague and I view the caseload differently, I think the President has nominated able and capable nominees and the court needs and deserves to not have to rely on senior status judges to meet its constitutional and statutory obligations.

So, with that, I will yield the floor, although I will not yield on the issue.

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2095

Mr. PETERS. Mr. President, I rise to speak in support of the Peters amendment No. 2095. Financial literacy has been defined as the ability to use knowledge and skills to manage financial resources effectively for a lifetime of financial well-being. Unfortunately, too many American families, both parents and their children, lack basic financial skills. Recent studies have shown that future generations are likely to be less financially stable than those who preceded them.

Just last year, the FINRA Investor Education Foundation conducted a survey and found that millenials engaged in problematic financial behaviors and expressed concerns about their debt. To address this issue, a number of States have included financial literacy as a core component of high school education.

A separate FINRA study found that credit scores significantly improved and delinquency rates on credit accounts were reduced in States with financial literacy education. For example, that study found that credit scores improved by 11 points in Georgia, 16 points in Idaho, and 32 points in Texas.

There is a clear need for practical education programming for both parents and students, and we should provide States with the flexibility to provide this programming. That is why I have filed amendment No. 2095. The Peters amendment will include family financial literacy programming as an allowable use for title I parent and family engagement funding.

Family financial literacy programming can ensure our Nation's parents and children have the skills necessary to properly utilize credit, finance an education, manage a household budget, and plan for retirement.

I believe we must do all we can to help our Nation's parents and students succeed in every aspect of their lives.

I thank Senator MURRAY and Senator ALEXANDER for their leadership on this bill and for their willingness to work with me on this amendment. I hope my colleagues will join me in supporting the Peters family financial literacy amendment No. 2095.

Mr. President, in addition to my financial literacy amendment, I was happy to work with the chairman and ranking member to include language in the text of the bill that will help us identify and assist our most vulnerable children. The term ''dual status youth'' refers to children who have come into contact with both the child welfare and juvenile justice systems.

A growing body of research has shown that dual status youth experience poor educational performance, higher recidivism rates, and higher detention rates. Many at-risk children lack stable home lives, and they are frequently funneled through the school-to-prison pipeline. I am glad the Every Child Achieves Act now includes language that would encourage States to identify dual status youth and improve intervention programs in order to reduce school suspensions, expulsions, and referrals to law enforcement.

I was also pleased to join Senator GARDNER in introducing an amendment to allow title I funds to be used to support concurrent and dual enrollment programs at eligible schools. This amendment would enable high school students to simultaneously receive college credit from courses taught by college-approved teachers in secondary education. With the cost of higher education continuing to grow, helping students get a head start on completing their college courses helps them save money and get ahead.

I am proud that this body approved the Gardner-Peters amendment last week. This provision will make the dream of higher education more accessible to students in Michigan and across the country.

WORKING AMERICANS AND OVERTIME PAY

Mr. President, I wish to speak at this time in strong support of plans to increase our Nation's overtime pay threshold for the first time in over a decade and restore meaning to a threshold that has significantly eroded over the last 40 years.

In 1938, Congress passed the Fair Labor Standards Act and President Franklin Delano Roosevelt signed the bill into law. This landmark legislation represents an important promise that is as true today as it was 77 years ago—that if you work hard and play by the

rules, you will have a secure future. Ensuring fair overtime pay for employees is one of the most critical components of the Fair Labor Standards Act. It ensures that hard-working Americans are able to make an honest wage for their hard work. For middle-class families, who are the backbone of our country, and for those families working hard to get there, we must protect the important safeguards put in place by the Fair Labor Standards Act.

I personally learned the value of hard work and the importance of protecting labor standards for all Americans from my mother, Madeleine. Born a French citizen, she met my father during World War II, married him, and moved to this country. She later worked as a nurse's aide. While she enjoyed working with her patients, she did not like the way she or her coworkers were treated by their employer, so she fought for a better workplace and ultimately to win union representation. She later went on to serve as a union steward.

A strong labor movement nationwide helped build economic opportunity for millions of Americans just like my mother. Standing together to call for fair wages, safer work places, and better hours, American workers and their families helped build the American middle class and make the American dream a reality for regular folks.

The strong protections of the Fair Labor Standards Act helped ensure that American workers have a minimum wage, a 40-hour workweek, and overtime pay. Unfortunately, we have allowed these protections to fall behind present-day needs. Today, growing income inequality and stagnant wages are a serious threat to our middle class, to our economy, and to our democracy.

Americans are working harder and harder only to fall further and further behind, receiving less and less pay for their long hours. Middle-class families are struggling to stay afloat, and those who aspire to be in the middle class are finding it more and more difficult to achieve.

Today, some employees are required to put in 50 or 60 hours or more a week and are not receiving any overtime pay for their efforts. Our Nation's overtime pay rules are long overdue for an update. Decades of inflation have outpaced the current overtime pay threshold of $23,600 and eroded the value of an honest paycheck for millions of hard-working Americans. This means a worker earning only $23,600 gets paid the same whether they are working 40 hours or 60 hours in a week. That is simply unacceptable. This is not a fair wage, and it is not the American dream we fought to secure for generations.

If we are truly committed to building a strong American economy, then we have to make sure American families can thrive. Raising the salary threshold for overtime pay will help nearly 5 million workers across the country and as many as 100,000 workers in Michigan earn better wages for their hard work.

The pillars used to build and grow our middle class and support our democracy are in jeopardy of crumbling if we do not stand up and protect them. The American middle class and those who aspire to be in it are the heart and soul of our country, and we have an obligation to help every family nationwide realize their version of the American dream.

My home State of Michigan is the birthplace of our Nation's auto industry, where American workers and their families helped build the middle class and make the American dream a reality for millions of people. We owe it to our future generations to preserve this legacy.

I know there are some who do not believe we should update the overtime pay rules. They will oppose this rule saying it is a harmful attack on our Nation's business community. Well, I strongly disagree with that position.

Prior to coming to Congress, I worked in business for more than 20 years and I hired many people. I found that paying employees a fair wage is the best way to ensure a happy and productive workforce. It is good business, and it is the right thing to do. Providing a fair paycheck to hard-working Americans so they can build their family and own a home and help save for their children's college education as well as enjoy a secure retirement is good for business and it is good for our country. Workers who are paid fairly for their work are able to spend their hard-earned money in their communities, creating new customers for local businesses and in the process help our economy grow. If we invest in American workers—the best and brightest in the world—we will get a strong return on that investment.

Enforcing the Fair Labor Standards Act gives American workers a fair wage for a fair day's work, and it will help keep the possibility of the American dream alive. We must do what is right for our workers. Updating the overtime pay rule will give millions of Americans a wage increase that they have earned and provide economic stability and security for hard-working families, while boosting our economy.

I am proud to support these efforts, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

NUCLEAR AGREEMENT WITH IRAN

Mr. THUNE. Mr. President, I wish to begin by taking a few moments to discuss the nuclear deal with Iran that was announced this morning. While I am still reviewing the intricacies of the deal, right now I am deeply skeptical that this agreement will prevent Iran from acquiring a nuclear weapon.

The Obama administration appears to have capitulated on almost every redline it established at the outset, and I have strong doubts about whether the final provisions requiring inspections and curtailing enrichment and research and development are strong enough to be effective.

Another significant concern is the fact that removal of sanctions will give Iran access to billions of dollars and other resources to fund its campaign for increased regional influence, which includes proxy wars and material support for terrorist organizations. In fact, if we look at almost anywhere in the Middle East, whether it is Hezbollah in Lebanon or Hamas in the Gaza Strip or the Houthis in Yemen or the Shia militias in Iraq, they all trace their lineage back to and are proxies for Iran.

I am deeply concerned about the fact that the deal creates a timeline for lifting the embargo on conventional and ballistic weapons without requiring Iran to change its behavior in any meaningful way. Given that Iran is the world's leading state sponsor of terrorism and is already intervening in conflicts in the region, the last thing we should be doing is expanding Iran's access to weapons.

In the lead-up to this agreement, Members of both parties expressed their concerns about the direction this deal was headed, and the release of the final document has confirmed many of those fears. Unfortunately, the President is apparently unwilling to listen to Members of either party, and in his speech this morning he threatened to veto any legislation that would prevent his deal from going into effect. Well, that is very disappointing, and it lends credence to the concern that the President is more worried about securing his political legacy than he is about actually preventing Iran from acquiring a weapon.

Regardless of his veto threat, Members of both parties will carefully examine this deal and continue to do everything we can to ensure Iran never acquires a nuclear weapon.

Mr. President, I wish to speak as well this week about what the Senate is currently doing. The Senate is taking a huge step forward on education.

Nearly 8 years after No Child Left Behind expired, Congress is finally taking up legislation to reauthorize Federal K–12 education programs. While the law's focus on improving education for our students was laudable, No Child Left Behind must be updated. The Every Child Achieves Act—the legislation we are considering this week—will restore control of education to the people who know students best: teachers, parents, and local school boards.

Just 10 percent of education funding each year comes from the Federal Government. Despite this, the Federal Government has a huge oversight role in education. Every day, teachers and administrators and students have their day shaped by a host of Federal mandates, from testing requirements to precisely what to do if a school is deemed ''failing.''

Federal control of education has reached its peak in recent years, with the Federal Government going so far as to coerce States into adopting its preferred curriculum and educational standards.

No Child Left Behind demanded that schools meet a number of benchmarks to be judged as adequate. Failure to meet these requirements would result in a school being labeled as failing. Unfortunately, the rigid nature of these standards meant that many schools

were at risk of being labeled as failing. In response, States have made it a habit to apply to the Federal Government for waivers from the terms of the law so they can avoid the burdensome requirements that come along with the ''failing'' label. The Obama administration has generally complied—but with Federal strings attached. Essentially, the administration informs States that it is happy to grant them waivers as long as they agree to implement the Federal Government's preferred academic standards, adopt the Federal Government's preferred method of evaluating teachers, and take the steps the Federal Government believes are the appropriate steps to address failing schools.

Neither Congress nor the administration should be telling States and local communities what to teach in their schools. Decisions about education should be made by those who actually educate students, not by a group of bureaucrats or politicians in Washington, DC.

As any teacher will tell us, education is not a one-size-fits-all proposition. Even within a single classroom, students are likely to come from a wide variety of backgrounds and experiences and have different learning styles. Teachers are constantly adapting their methods and material to meet the needs of the particular students they have in front of them. That is a lot harder to do when Washington is dictating those methods.

The legislation we are considering today—the Every Child Achieves Act—will revoke the Federal Government's authority to dictate standards to the States. Specifically, this legislation explicitly prohibits the Federal Government from tying Federal funds to a State's adoption of specific educational standards. In other words, the Federal Government will no longer be able to blackmail States into adopting its preferred academic criteria.

This is a huge victory for students and for teachers. Thanks to this legislation, States and localities will have much more freedom to adopt the standards and curricula that will help their students achieve.

Another one of the problems created by No Child Left Behind, as any parent or teacher will tell you, is the phenomenon of overtesting. I have received hundreds of letters this year from teachers and parents concerned about the effect overtesting is having on students' education.

While NCLB only required two or three tests per year, the law made these tests the primary indicator of a school's performance, which resulted in many schools deciding to teach to the test. The result? Not surprisingly, instead of teachers deciding what is important material based upon their knowledge of their subject, teachers' instructional priorities are often dictated by the material they think will be on the required tests. As a result, students may never receive instruction in important topics or concepts simply because they are not covered on the tests. In addition, instead of one or two yearly tests required by law, students are subject to months of preparatory testing in order to make sure the school maintains its ranking by gaining acceptable average scores on the mandated tests.

It is undoubtedly true that the tests, including standardized tests, can be incredibly useful in the teaching process both as a diagnostic tool and as a measurement of student progress, but problems arise when tests become the only measure of progress.

The Every Child Achieves Act keeps the testing requirements of No Child Left Behind but gives States the option to give a single comprehensive test, as they do now, or break up the assessment into smaller components that can be given throughout the school year.

Most importantly, the Every Child Achieves Act removes test results as the primary indicator of a school's performance. In fact, it takes progress measurements out of the hands of the Federal Government entirely and gives them to the States. Under this bill, States, not the Federal Government, will be the ones developing accountability systems to measure schools' effectiveness. Instead of a one-size-fits-all Federal standard, each State will be able to identify the best ways to chart the progress of its schools and measure student performance.

In addition, the Every Child Achieves Act removes the Federal Government's national teacher evaluation requirements and allows States to decide whether and how to measure the effectiveness of their teachers.

I have offered several amendments to the Every Child Achieves Act, including two very important measures to address the tragic rash of student suicides that has beset Indian Country over the past several months. The first of these amendments would require the Secretary of Education to coordinate with the Secretary of the Interior and the Secretary of Health and Human Services to report on their Federal response to these suicides, compile and analyze available Federal resources, and make recommendations for improving Federal programs. The second measure would strengthen the Project School Emergency Response to Violence Program—or Project SERV—to help schools prevent tragedies such as youth suicide. I am hopeful that the Senate will pass both of these measures.

I am also pleased that the underlying bill contains important improvements that I championed to the Federal Impact Aid Program—a program that provides districts with revenue to make up for nontaxable Federal activity in school districts.

The reforms contained in the Every Child Achieves Act have been a long time coming, and they have been greeted eagerly. This bill is supported by everyone from the school superintendents organization, to the National Governors Association, to Teach for America. And, of course, this legislation is strongly supported by both Republicans and Democrats in the Senate.

One big reason a No Child Left Behind reauthorization has moved from legislation no Member of Congress wanted to touch to the bipartisan bill that is before us today is Republicans' commitment to restoring regular order to the Senate. We have restored the committee process and ensured that Members of both parties are able to make their voices heard through amendments. The result is legislation like the Every Child Achieves Act—a bill with strong bipartisan authorship and strong bipartisan support. I hope we will have many more achievements like this in the Republican-led Senate this year.

We need to get control out of the hands of Washington bureaucrats—people who have never been to South Dakota, much less a South Dakota school. They shouldn't be telling South Dakota teachers what to teach. The legislation before us today will help strengthen education in this country by putting decisionmaking about education where it belongs—in the hands of State and local school districts. I look forward to the Senate passing this bill later this week.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from North Carolina.

Mr. BURR. Mr. President, I thank my colleague from South Dakota for highlighting the real benefits of doing away with No Child Left Behind, breaking down the national school board, and saying to States and localities across this country: We ought to put you in charge of K-through-12 education.

That is where the responsibility needs to be. That is where we will have decisions closer to students. And I don't think there is disagreement among Members of the Senate or Congress or Republicans or Democrats or people from the North or the South—we want to make sure K-through-12 education works. Every child should get across the goal line to graduation, and every child with a diploma should be marketable either to higher education or to a job with a skill that has a paycheck.

I will say that the Federal Government's role is not to micromanage the education system; it is to be a financial partner to K-through-12 education, to be a partner without strings, and to be a partner that provides equity across the board.

So I am here to talk about the Full Education Opportunity Act of 2015, which I hope will be an amendment to this bill. Title I-A is the Federal Government's central financial assistance to 21 million poor children in America. They attend school districts with high levels of poverty, and the kids come from low-income families. They define exactly what the Federal Government

should be focused on. It has served as the cornerstone of the Federal Government's education funding for K through 12 since elementary and secondary education was first signed into law in 1965. At the bill signing, President Lyndon Johnson said that the assistance provided under ESEA would serve to assist in the ''full educational opportunity'' of low-income students and to provide ''financial assistance to school districts serving areas with concentrations of children from low-income families.'' That summed it up in two sentences. That is what the Federal Government's funding source was designed to meet.

So what has happened since 1965? Like every other funding formula in the Federal Government, as the population shifted somewhere else in the country, money never seemed to follow it.

We had this debate several years ago on HIV-AIDS when we woke up one day and realized how much we were investing in the war against HIV-AIDS to keep people alive and find a cure, and we found towns like Washington that were getting a phenomenal amount of money but their HIV-AIDS population had gone down, and throughout rural America, we had an explosion of HIV-AIDS, primarily in African-American women. We worked and we worked and we worked, and we finally changed the legislation to reflect what the intent was so that the money followed the population it was intended to help. Today, there are individuals across this country in rural America who are now getting the drugs they need to either hold in check the disease or in hopes to slow its progression.

Well, I am here today because in 1965 Lyndon Johnson said that is the Federal Government's role—to make sure we target low-income families, kids in poverty.

Despite recognizing that these formula funds were not fully targeted at high-poverty areas, Congress has simply taken the easy route and added more formulas to title I-A in hopes that by putting more formulas out there, eventually it would help the people who were affected. Well, what it has done is it has compounded the problem.

The inadequacies in how we target poverty today just aren't right. My amendment attempts to end this practice and creates a simple, highly targeted program toward poverty with a new formula.

First, what does it do? It is important to make clear that this amendment only addresses title I formulas. It is not the overall funding—that is for appropriators to determine—but it is to structure the formula.

I am a strong supporter of title I funding, and I believe, regardless of the amount at which title I is funded, it should be distributed fairly and targeted to its intended population, which is kids in poverty, low-income families. Simply adding more funds still allows the inequities in the formula to persist. That is why I am attempting to fix the formula once and for all.

This amendment consolidates all of title I's formulas into one simple formula called equity grants. Let me say this. It simplifies I-A so that the calculation, put very simply, is equity grants equal the State's number of poor children times the national average of educating each child. It ends the policy that awards a wealthy State with title I money simply because they are able to spend more on education and therefore they get a higher allotment as a result. For decades, this has penalized poorer States that spend high shares of their tax revenue on education but don't spend as much in absolute terms as wealthier States. This change ensures that poor children born in a poor State aren't penalized because of their ZIP Code and for not living in a wealthy State elsewhere in the country.

Why will equity grants work and where are they targeted? Very simply, this formula takes the number of low-income children in a State, multiplies that by how equitably a State spends its own money on helping low-income children, and then sends the amount to the school district in the State, while placing heavy weights on the school districts that exhibit the highest levels of poverty—embraced in the 1965 initiative of President Johnson.

Current law rewards States that spend a much higher amount of money on their students than poorer States that, despite spending large shares of their overall budget on education, cannot compete with wealthier States in absolute dollars. Essentially, as long as you are above the national average in spending, you get a very large title I bonus payment. For example, the national average per-pupil education spending in the country is $11,014. For States such as Pennsylvania, it is $13,864; Massachusetts, $14,515; and Connecticut, $16,631 per pupil. This has been a pretty good deal for them. For States such as Mississippi, it is $8,130; North Carolina, $8,090; and Utah spends $6,555—not so good a deal. Who gets cheated? The kids in poverty, kids from low-income families.

Rewarding wealth over poverty is also contrary to the original purpose of title I-A funding. This has a real impact on how much a formula child will receive based upon the State in which he or she lives. For example, a child in Guilford County, NC, is only worth $1,128. A poor child in Albuquerque, NM, is only worth $1,158. A poor child in Seattle is only worth $1,240. On the other hand, a poor child in Philadelphia is worth $1,986. A poor child in New Jersey is worth $1,838. A poor child in Boston, MA, is worth $1,847. This is a highly inequitable and unfair formula to the poor children in most States. Because of the changes in this amendment, these disparities go away. They are almost completely eliminated.

Eliminating this provision has been suggested by organizations like the Center for American Progress, the Formula Fairness Campaign, the Rural School and Community Trust, and others. These are not conservative groups. These are very left-of-center groups who said equity is important.

No States should get a bonus payment just because they spend more or they are wealthy. The focus since 1965 was supposed to be kids in poverty. If you have more kids in poverty, you should receive a larger Federal share.

This amendment also addresses the bonus that very large districts that might have small numbers of poverty have enjoyed. Under the current law, a district must meet a $6,500 formula child threshold to receive concentration grants. This has typically resulted in purely large and not necessarily high-concentration impoverished districts receiving large grant awards. This hurts smaller, mostly rural districts with large percentages of poverty but not necessarily high numbers. To fix this, we impart a 20-percent poverty test within the equity grant for large districts to show that they have a concentration of poverty.

Now, this is a novel approach. We have a formula that is targeted to be a Federal partner in money, targeted at kids in poverty, and all of a sudden we are asking them: Show us that you have that population. Under the current law, districts also receive title I-A dollars for merely meeting a small threshold of 10 formula kids or just 2 percent of their overall population being poor.

This has meant that schools in Loudoun County, VA—I am sure there are some in here who might have graduated from Loudoun County schools or have kids in Loudoun County schools—have only 3 percent poor children. It is one of the wealthiest counties in America. It receives about a $1 million as part of an overall nearly $1 billion budget. This is about half the entire spending of the State of South Dakota, which the previous speaker is from.

Now, should he be cheated because they do not spend as much as Virginia, though he has kids in poverty, low-income families, individuals to whom in 1965 the Congress and the President said: This is who we should target—we the Federal Government on behalf of taxpayers. Well, this hurts smaller, rural districts with large percentages of poverty but not necessarily high numbers.

Under current law, it is not going to change. We should do our best to send the money to districts in States that are truly in need by focusing the formula on poverty. Now, sometimes it is easier to see than it is to listen. This is the amendment—the Full Educational Opportunity Act. What do we do? It treats all low-income children the same. I think that is what the Federal Government is supposed to do—to target the poorest communities. That was the spirit of the 1965 law—to prioritize equity, meaning everybody should be

treated equal, that you should not disadvantage a poor child in one area to advantage a system in another area.

Is it fair? A title I child versus a title I child? Denver, CO, $1,218; Boston, MA, $1,847; Miami, FL, $1,212; Philadelphia, PA, $1,986; Albuquerque, NM, $1,158; New Haven, CT, $1,717; Portland, OR, $1,292; Camden, NJ, $2,083; Seattle, WA, $1,240; New York City, $1,839—if I am over here, I think this funding formula is awfully good because we are getting rewarded whether we have poverty kids or not.

Over here, who is being hurt? It is not the States. People have come down to the floor, and they have beaten me up on this amendment for the last few days. Oh, how could you do this? How could you take away something that we have already got? It is real simple. You don't have low-income poverty kids or at least you don't have as much as here. If you did you would qualify under the new formula.

But it gets worse. Fair? Florida has the same number of low-income students, 690,000, as New York, 686,00. What is the distribution of title I funds? It is $774 million, $1.1 billion—the same population but New York receives $400 million more than the State of Florida. How can that be fair? Now, you can be greedy and say: We deserve it; that is what the formula said. You cannot punish us because this is not equitable.

Well, maybe we can. But for once, Congress can do the right thing and fix the formula. That is all I am on the floor attempting to do with my amendment—to fix it. Since 1965 we have not had the backbone to do it when we figured out it was wrong. Well, when we see this, if it is targeted for low-income kids and they have the same numbers, they ought to get the same money. But no, some believe that $400 million is worth it because they have always gotten more.

Here is New Mexico versus Massachusetts. There are 107,000 low-income students in New Mexico and 80,000 low-income students in Massachusetts. New Mexico receives $116 million. Massachusetts receives $116 million. It is the same amount of money, but there are 27,000 more low-income poverty kids in New Mexico. What do you say to a child in New Mexico that just happened to grow up in a poor family? You don't get to get as good an education. You should be have been born in Massachusetts. This is the Federal Government doing it with taxpayer money, and we don't have a problem with this.

My God, this is at the heart of what the Federal Government is supposed to do. There are individuals who come down here and talk about equitable treatment all the time. This is the most unequal thing that can exist. Yet some would block this amendment from coming to the floor. Is this fair? This is title I-A allocation per poor child: Florida, $1,284; New York, $1,611; Minnesota, $1,189; Massachusetts, $1,453; Oregon, $1,149; Maryland, $1,585; Washington, $1,127; Connecticut, $1,447; New Mexico, $1,093; Pennsylvania, $1,517. It does not matter how you slice it. They get more. They get more if they do not have the population to support it.

So who is getting more than their fair share? Boy, pictures speak louder than words. Look at that. The green States get more money. The white States, even though they have kids in poverty, they do not get an equitable distribution of Federal money through the title I-A program. It is embarrassing. It is embarrassing to Congress that we did not change this a long time ago.

For poor children who lose under the current formula, this is the reverse. Now, it is the kids who live in the States that are red that get cheated. They get cheated based upon the 1965 initiative under Lyndon Johnson, signed into law after Congress passed it—the Early Childhood Program, elementary and secondary education. I do not think I have ever seen an issue that broadly affects America where there was this much disparity in equitable distribution of Federal dollars. As a matter of fact, I would say it could not happen. But not only did it happen, people argue that this is fair. Well, all I can say is that if you say this is fair, then you are not focused on what this formula was designed to do, and that is to target low-income kids in poverty.

But you know it does not stop there. Let's go further. Let me take my State of North Carolina, with 391,000 low-income students. We get $417 million in title I-A money. Pennsylvania has 357,000 low-income students. They get $542 million in title I money. So I have 34,000 more low-income children, but I am asked to be satisfied with $125 million less in money to target low-income kids in poverty.

Now, I think I am being pretty diplomatic when I come down here and show things like this. This is what America hates. This is what makes them sick. This is what they think is a great example that we don't have a sense of reality. What do you say to a kid in North Carolina who struggles through K-through-12 education when you say: You are worth $125 million less if you are in poverty than the investment we are going to make in Pennsylvania.

Well, it is only appropriate that the Presiding Officer would be from Colorado, which has 143,000 low-income students and receives $150 million. Maryland has 124,000 low-income students and receives $196 million. There are 19,000 more low-income students in Colorado, but you get $46 million less. I am sure the Presiding Officer has the same hard time I do going back to Colorado and saying: Don't worry; this is fair. This is fair because it has been this way for 25 years.

The money is supposed to follow the population we are targeting to be invested in. In this particular case, it is the most at-risk in our country, from getting the tools they need to getting a job that has a paycheck. Fair?

Nevada, the minority leader's State has 102,000 low-income students. They get $116 million. Connecticut has 80,000 low-income students. They get $116 million. Well, if I were from Nevada, I would be furious at this. You would think that if you get the same amount of money, you should at least have the same amount of kids in poverty, because that is what the formula was designed to do.

But no, wealthy States have found ways to game it by getting bonus payments. Fair?

Indiana, the State of the previous Presiding Officer before this one, has 235,000 low-income students. They get $256 million in Indiana. There are 228,000 low-income students in New Jersey. They get $331 million—7,000 more low-income students in Indiana and somehow New Jersey gets $75 million more than Indiana. This is sort of embarrassing. Some find no shame in this: We are just out for as much money as our State can get.

Let me say to my colleagues that I don't know what the outcome of this amendment is going to be. But let me ask you for 1 minute to put the windfall your State is getting aside and ask yourself this: Do we have an obligation, based upon how elementary and secondary education was perceived and conceived in 1965, to actually make sure that the money follows where kids in poverty are?

If not, don't come down here and talk about equity on every other funding formula. Don't say that money should follow people, when you have the most at-risk population, kids in poverty, and we are talking educating them to where they can function in society, to where they can get a job and a paycheck and not be a ward of anybody, where they can be independent and enjoy every opportunity this country has to offer.

Well, you cannot be for that and be against this amendment. You cannot be for those kids and not fund them where every State is red. It cannot happen. But over history, just like other things, this creates winners and a lot of losers. But let me suggest to you that you take these lines away, and you just see the United States of America. Who should be the winners? Every kid in poverty.

Every kid born into a low-income family should be the recipient of title I-A money in an equal capacity because they should have as good an opportunity and a future—an economic future—regardless of the State they live in, regardless of the ZIP Code. Regardless of whether they are in rural America or urban America, there shouldn't be a discrepancy. This rights a very bad wrong. This makes it work for all kids in poverty—not some kids, not school districts that are wealthy, but all kids in poverty.

Let me just say for my colleagues that it is not going to happen unless we

have a backbone that is strong enough to actually bring an amendment up and vote on it. I am willing to do that. I am willing to roll the dice.

Look at the number of States that benefit from this—and I said that wrong. Look at the number of kids that benefit from this change. This is not about States, and it is not about parties. This is about kids. It is what this act was created for in 1965, and I can't find the reason as to why Congress didn't fix it before 2015. But the fact is that we are talking about reauthorizing the Elementary and Secondary Education Act. It happens about once every 10 years. We have an opportunity to fix this inequity now.

I don't want to look back and say: I had an opportunity to fix it, but, you know, that was hard. It was difficult. It meant that there were winners and losers.

Everybody cannot be a winner when some take advantage of the system like this has. Well, there is only one way to make everybody a winner, and that is to fix the formula. Regardless of how long it takes us to work out of it, we can fix it from this point forward.

I urge my colleagues, if given the opportunity to vote on the Burr-Bennet Full Educational Opportunity Act, to support it. I can't believe I am in the Senate saying ''if, if, if'' we are given an opportunity to actually bring up a germane, relevant amendment that affects every kid in poverty in the United States. I can't imagine the Senate is not willing to debate and vote on that amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am not sure what the intentions are of the chairman of the energy committee. As chairman, I would be delighted to yield to her if she is going to take some time on the floor, and I would need about 10 minutes for my remarks.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, it was my understanding that I was next in the queue. If I am incorrect, I would be happy to get this squared away. I, too, have about 15 minutes.

Mr. WHITEHOUSE. Mr. President, I am happy to yield. I thought we went back and forth from side to side ordinarily, but I am very happy to yield. I have a chairman who is a very busy person.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. I thank my colleague from Rhode Island, and I thank him for the opportunity to speak directly to this bill this afternoon.

Mr. President, I wish to speak briefly about the measure we have on the floor today, the Every Child Achieves Act, the bill where we have all been waiting for about 15 years to fix the flawed one-size-fits-all No Child Left Behind Act.

I begin my comments by thanking Senator ALEXANDER, who is the chairman, as well as Senator MURRAY, the ranking member, for how they have managed this legislation from the very beginning.

I think we know there is a little bit of inside baseball that goes on around here that perhaps isn't interesting to many. But I think it is important to note that Chairman ALEXANDER and Ranking Member MURRAY have led this bill in a way that has fostered consensus building and, I think, very constructive negotiations.

More importantly, in the process they allowed the voices of the American people—of Alaskans—to be heard. I think that was one of the reasons why we saw this legislation move unanimously through the HELP Committee in April, and I think that is one of the reasons that you are seeing us move through a series of amendments on issues that are considerable but in a very constructive manner and certainly respectful of one another. So I wish to acknowledge and recognize the masterful work they have done in guiding this bill forward.

I also wish to recognize the work of my staff. Karen McCarthy on my staff has done yeoman's work in working with so many Alaskans, educators, administrators, and the like. That has been an effort that I think has yielded benefit to folks in my home State. But I also wish to recognize the work of those on both Senator MURRAY's staff as well as Senator ALEXANDER's—very hard-working professional staff who are a credit to their Senators and their State.

So why am I standing today before you in support of the Every Child Achieves Act?

When Alaskans are visiting about the education bill that we know as No Child Left Behind, it is clear that to a number—whether you are an educator, whether it is students, parents, tribes; it didn't make any difference—nobody was happy. The one-size-fits-all mandate, poor tribal consultation, and the lack of State and local control over our children's education clearly were not working.

I say that one of the first immersions into politics I had was when I was a PTA president at my son's elementary school. That, for me, was my first introduction to what the mandates meant that were coming out of No Child Left Behind when our school was deemed as a failure because we failed to meet AYP because of the 31 different ways to fail. We certainly made it by not having sufficient subgroups taking the test on the day that the test was required. Our neighborhood school was a failure. It didn't seem to me that it made sense and still does not.

So I make sure to take that experience as a mom, as a PTA president, and as one for whom No Child Left Behind was not just some theoretical exercise. It was Federal law imposed in my town and in my schools, which had a negative and a direct impact on those who were part of our school.

So my top priority was to make sure that any rewrite of No Child Left Behind gave more power to make decisions about Alaska's schools to Alaska and to our local communities.

The failed experiment of adequate yearly progress had to go. Under the Every Child Achieves Act, that is done.

The failed highly qualified teacher mandates that made little sense and also did not work had to go, and they are gone. States will again be able to decide what qualifications and skills to demand of teachers and principals, whether to have a statewide evaluation system, and, if so, whether those evaluations consider growth in student proficiency.

Now, I am very aware that some across the country—in fact, I have heard from some in Alaska—are concerned that the Every Child Achieves Act does not do enough to return local control to schools, that it perpetuates, somehow, the common core standards. In fact, the Every Child Achieves Act specifically and expressly prohibits the Secretary from having any authority to ''mandate, direct, control, coerce, or exercise any direction or supervision over any of the challenging State academic standards adopted or implemented by a State.''

Now I have also heard that some are concerned that the bill maintains secretarial approval of State plans, with the implication then that the Secretary will be able to change or deny elements of State plans, whether it is State standards, assessments or accountability systems, as somehow a condition of approval. But the Every Child Achieves Act also places a number of limitations on the Secretary's authority over the State's plans.

The act prohibits the Secretary from requiring a State to include or delete any element of its State standards from the State plans, use specific assessment instruments or items, set goals, timelines, weights or significance to any indicators of student proficiency, include or delete from the plan standards, measures, assessment, student growth benchmarks or goals of student achievement for school accountability, as well as any aspect of teacher or principal quality, effectiveness or evaluations systems, or require any data collection beyond current reporting requirements. There are similar prohibitions that are scattered throughout the Every Child Achieves Act.

In short, I am confident that the act returns control of State standards, curriculum, instruction, assessments, educator qualifications, and school accountability to the State of Alaska, and that is where I want it to be.

I also have other reasons for supporting the act that will directly impact students, parents, educators, and communities across Alaska in a positive way and with provisions that Alaskans ask for most specifically.

I acknowledge the work that I was able to do with Senator BOXER. Together we worked to craft the support

for the Afterschool for America's Children Act. She and I worked on this bill to update and strengthen the 21st Community Learning Centers afterschool program across the country. We worked with a number of other Members in the Senate to make sure that this important program—the program that keeps our children safe and engaged after school and during the summer—works for all of our States.

We worked with the chairman and ranking member, and after a lot of good negotiation, the Afterschool for America's Children Act, with some amendment, was included in the Every Child Achieves Act, and this was done by unanimous consent in the HELP Committee, which I appreciate.

On the issue of how we ensure that our Native children are cared for and addressed in a real and meaningful way, there were several provisions that we were able to include in the act to better meet the needs of Native children.

At my request, the act requires the States and school districts, where applicable, to consult and engage with the American Indian, Alaska Native or Native Hawaiian tribes and parents in creating State and local plans and in implementing Federal education programs that serve Native students in order to meet their cultural language and education needs. These are our Nation's first peoples, with whom the United States has a constitutionally mandated responsibility to interact with on a government-to-government basis. So I think it is time that our tribes and our Native organizations throughout the country were part of designing the plans and shaping the programs used to improve schools that serve our Native students.

Senator FRANKEN and I, working with Senator TESTER, were able to include a new program in the Every Child Achieves Act to help our Nation's first peoples maintain and revitalize their Native languages through the schools. This is a new grant program that will support the creation, the improvement, and the expansion of Native language immersion schools in which Alaska Native, American Indian, and Native Hawaiian students learn their lessons through ancestral languages. This opportunity will help preserve the fast-vanishing Native languages of our first peoples.

So what we worked to do within the program was that the Native Alaskan language immersion schools and programs will help Native language immersion schools develop curriculum and assessments, provide professional development to teachers and other staff, and carry out activities that will promote the maintenance and revitalization of these endangered languages.

This is a provision where I really am quite proud of what we have been able to do, working with our colleagues to make sure that we do not lose that focus in this important act.

We also eliminate some technical redtape that makes it nearly impossible for Alaska's rural school districts to claim impact aid dollars to which they are entitled just because NCLB and the Alaska Native Claims Settlement Act didn't play well together. While it is more complicated to explain, I just leave it by saying that many rural Alaskan school districts are no longer going to have to bang their heads against a brick wall of illogical and contradictory Federal rules after this provision is enacted. And that is always a good thing.

I would point out that fixing this problem started because a handful of schools, business officials, and superintendents took the time to reach out to me to let me know: We have a problem here. This is really one of those examples where working together we are all building legislation.

I am also quite proud to have helped move strong improvements to the Alaska Native Education Equity Program. We call it ANEP in this legislation. For some years now, Alaska Native leaders have asked: Why do schools get all of the title VII Indian education money and most of the ANEP funding. They explained that they are more than ready to take on responsibility to help their children achieve in school. Alaska Native leaders have a valuable and, indeed, indispensable role to play in designing and implementing programs to help our children succeed. These are sound arguments.

While Alaska receives no funding from the Bureau of Indian Education, and our schools receive the title VII, part A funding, the government-to-government relationship between the Federal Government and Alaska tribes and Native organizations has not been fully honored under ANEP.

Under the amendments we include in the act, ANEP funds will either go directly to tribes and Native organizations that have expertise running education programs or the funds will go to tribes and Native organizations without such experience that partner with school districts. In addition, tribes and tribal organizations may partner with the university and other Non-Native entities if they so choose. This will not only honor our constitutional relationship to Alaska Natives but ensure that they can take on more responsibility for helping their children succeed, which, again, is the right thing to do.

In closing, I wish to say that the Every Child Achieves Act is a good piece of legislation, and it is getting better with each day as we consider additional amendments. It is far better than what we ever had with No Child Left Behind.

While I am positive that each of us will have more thoughts about how this could be a better bill, be a more perfect piece of legislation if only one or two more changes were made, on the whole this is a sound improvement over the current, failed law. I certainly intend to be supportive as we move through the end of this process.

With that, I appreciate the courtesy of my colleague from Rhode Island in deferring, and know that when I have a similar opportunity to yield to the Senator, I shall do so.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I wish to join Chairman MURKOWSKI in expressing my satisfaction and pleasure with this bill we are on and join her in commending the leadership of Ranking Member PATTY MURRAY and Chairman LAMAR ALEXANDER. As a result of their work, we have a significant piece of legislation before us. It received bipartisan support in the committee, and I think the secret of their success was that they knew how to let Senators be Senators and work on a bill, really on the merits of it, without a lot of partisan gunslinging. As a result, the legislation before us creates a tremendous improvement in K–2 education over the failed No Child Left Behind Act. The process that led to this was bipartisan, substantive, and thorough. They really listened to a wide array of viewpoints. The result is this strong bipartisan proposal. As one of my senior colleagues on the committee said, this is what happens when you have committee leaders who really know what they are doing.

By now, most Americans—certainly my constituents—are familiar with the failures of No Child Left Behind. It overemphasized a peculiar form of testing, a form of testing in which the student took the test but wasn't graded on it. The subject of the test really was the performance of the school itself. Schools became frantic to heap up student performance to protect themselves. As a result, there was a lot of drama in the schools around these tests. If you did not do well, that pitched you into a narrow, one-size-fits-all approach to fixing the low-performing school. That combination served neither students nor communities well.

The Every Child Achieves Act is based on a very simple idea that I think has broad support in the Senate: Less classroom time spent on this frantic test preparation for the high-stakes exams means more time actually learning. The Every Child Achieves Act allows States to take a whole range of factors into account to gauge how students are doing and how the schools are doing, not just one test. I call that the data dashboard. It can include things such as graduation rates, college performance rates afterwards, how many students are taking AP classes and SAT tests, incidents of violence or bullying, and even working conditions for teachers. It is something we have worked on in Rhode Island through something called the InfoWorks Program. It is a commonsense way of understanding school and student performance without creating this massive distraction and drama.

Less emphasis on this peculiar high-stakes testing regime means more time for teachers to teach a more balanced,

well-rounded curriculum, giving attention to important subjects such as history and the arts, which, because they weren't covered under these high-pressure standardized tests, fell out of the curriculum. So what parents ought to see after we pass this bill is a much richer curriculum for their kids and one that some kids simply need in order to stay interested in school. If arts are your passion as a child and if that has fallen out because of this testing regime, you really have been hurt. If history and the stories of what happened in the olden days are what really gets you excited about education and if that gets squeezed out so you can do the math and the reading test better, you really have been hurt as a student. So that has changed. I am glad we have language in this bill that supports civics and American history education so that beyond reading and math—the tested subjects—students who graduate from public education have a real understanding of what it means to be an American citizen. It means something to be an American citizen. They need to understand the trajectory of this country so that they can fill that role as American citizens better.

The bill supports school libraries, which is an issue my senior Senator, JACK REED, has long championed and which I was proud to support in committee.

It includes an initiative I supported that was led by Senator MIKULSKI to provide support for gifted and talented students, particularly those who are in high-poverty schools. It can be hard to keep a high-ability child engaged and motivated if they are not challenged. I believe Senator MIKULSKI's language will be a big help to these kids, their teachers, and their parents.

When a school does fall short, the Every Child Achieves Act rejects the overly punitive interventions of the No Child Left Behind Act. Instead, it allows communities, parents, and teachers to work together to improve their school in ways that make sense for the students and give them the tools to succeed.

In my experience, I have learned that the greatest unmet area—at least in Rhode Island—is in middle schools. When I talk to people from other States, they see the same thing. Those middle grades are a tipping point in the lives of many students, especially those at risk of dropping out.

When I was Rhode Island's attorney general, I saw hundreds of juvenile cases that had a common thread, which was catastrophic levels of middle school truancy. In order to get a better handle on what was happening in the middle schools, I adopted one—the Oliver Hazard Perry Middle School in Providence. We worked hard to create a real relationship between the police department and the school. We helped get truant kids back in classrooms. We began a mentoring program between students and the attorneys in my office. We brought in community groups to start afterschool programs. We did a lot of different things.

Those years of working with middle school stakeholders helped me realize how much the middle grades bear on a child's future. It is an age when the child is beginning to make his or her own decisions, which can be dangerously bad ones at that time. But they can still be influenced by positive adults and by enriching experiences in their lives.

Many students who fail in high school showed the warning signs in middle school. We need to be reaching back into middle school to help them stay on track. That is why I am so glad to have partnered with our friend Senator BALDWIN on a measure that requires States to identify and support students at risk of dropping out in middle school and not wait until they are in serious trouble in high school.

I am also proud that the bill includes key elements of the Community Partnerships in Education Act, the House version of which was championed by my House colleague Congressman DAVID CICILLINE.

The outstanding success in Rhode Island of the Providence After School Alliance shows that schools and their students can thrive with help from strong community partners focused on sustainable and coordinated afterschool learning opportunities. PASA is really a model. Community-based afterschool has long been underappreciated, and I am glad it is on an even basis in this bill with school-based afterschool.

The Every Child Achieves Act also makes progress in educating students who have become involved in the criminal justice system. As with the juvenile justice reauthorization that I am working on with Chairman GRASSLEY in the Judiciary Committee, this bill tries to break the cycle of troubled kids who enter the juvenile justice system, who get marginalized, who fall further behind in their education, leading to more trouble and ultimately to crime. This phenomenon is referred to as the school-to-prison-pipeline, and it is tragic and it needs to end.

I have also seen and heard how Federal, State, and local regulations can get in the way of innovative reforms. Over the last 2 years, I have worked closely with Rhode Island educators, who have told me time and time again that they could achieve much better results if not for the layers of professional education bureaucracy stifling innovation at multiple levels.

I am working to include an amendment to establish an innovation schools demonstration, giving teachers, parents, and school leaders, who have a unique understanding of the students and communities they serve, the flexibility to turn those ideas into action.

In Rhode Island, I have heard from school leaders who would like to extend the school day for struggling students, reboot their curriculum, take ownership over their school's budgeting and financing, or better manage their school's human resources. But they can't because existing rules and regulations get in the way. They are often daunting because if you try to get after the local regulations, you still have the State regulations. If you try to go after the local and the State regulations, you still have the Federal regulations. So they give up.

My amendment establishes a fast-track process to give public schools relief from barriers to school-level innovation—relief from local, State, and Federal regulations.

Here is what Victor Capellan, superintendent of the Central Falls, RI, School District, told me: ''As a leader, having more flexibility to design the learning around the needs of my students and teachers and within the local context that exists—and not based on old and fixed conditions—makes all the sense in the world to me.''

Overall, the Every Child Achieves Act returns more decisionmaking authority to public schools, gives them tools to help every student succeed, and promotes greater flexibility in achieving high standards.

As I prepared at home for this bill, I worked with a lot of Rhode Islanders to learn what was needed. I am grateful to the groups who gave me so much time. Many of us met over and over to work through these issues and lay the foundation, particularly for the middle school part of the bill and for the innovation schools part of the bill. There was a lot of good Rhode Island work that went into those, and I appreciate it.

I believe this bill responds to the needs and concerns of the many Rhode Island teachers, reformers, students, school administrators, and union officials I worked with. I am proud to support it.

I will close by saying one last thing. There are many issues we deal with where we experience a lot of confrontation. Often we come into a situation thinking we know what the confrontation is. Before we even get to it, we anticipate the confrontation. What I learned from sitting down and spending real time with teachers who are in teachers unions, with reformers who are determined to make schools better and able to innovate, administrators who work in public schools and the administrators who work in charter schools, you put them all together and they agree on so much of what is in this bill. If you treat people involved in this system with the respect they deserve individually, and if you listen to them, the agreement is far greater than the disagreement.

I will close where I began. What Chairman ALEXANDER and Ranking Member MURRAY did was to create a process where we could be Senators, and as a Senator I was able to bring those voices from Rhode Island into this process in a meaningful way. My ability to bring that voice in a meaningful way empowered me to be able to

bring those voices together back in Rhode Island and find the kind of agreement that has enabled these successes, so I am very grateful to them as well.

With that comment, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TILLIS). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

## HIRE MORE HEROES ACT OF 2015—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 19, H.R. 22.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 19, H.R. 22, a bill to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative 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 motion to proceed to Calendar No. 19, H.R. 22, an act to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

Mitch McConnell, Roger F. Wicker, Shelley Moore Capito, Rob Portman, John Cornyn, James M. Inhofe, Daniel Coats, John Boozman, Johnny Isakson, Pat Roberts, John Barrasso, Mike Rounds, Mike Crapo, Roy Blunt, Thom Tillis, Deb Fischer, Richard Burr.

Mr. MCCONNELL. Mr. President, I withdraw my motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

## ADOPTIVE FAMILY RELIEF ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 145, S. 1300.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1300) to amend the section 221 of the Immigration and Nationality Act to provide relief for adoptive families from immigrant visa fees in certain situations.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 1300) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1300

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Adoptive Family Relief Act''.

**SEC. 2. WAIVER OF FEES FOR RENEWAL OF IMMIGRANT VISA FOR ADOPTED CHILD IN CERTAIN SITUATIONS.**

Section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1201(c)) is amended to read as follows:

''(c) PERIOD OF VALIDITY; RENEWAL OR REPLACEMENT.—

''(1) IMMIGRANT VISAS.—An immigrant visa shall be valid for such period, not exceeding six months, as shall be by regulations prescribed, except that any visa issued to a child lawfully adopted by a United States citizen and spouse while such citizen is serving abroad in the United States Armed Forces, or is employed abroad by the United States Government, or is temporarily abroad on business, shall be valid until such time, for a period not to exceed three years, as the adoptive citizen parent returns to the United States in due course of his service, employment, or business.

''(2) NONIMMIGRANT VISAS.—A nonimmigrant visa shall be valid for such periods as shall be by regulations prescribed. In prescribing the period of validity of a nonimmigrant visa in the case of nationals of any foreign country who are eligible for such visas, the Secretary of State shall, insofar as practicable, accord to such nationals the same treatment upon a reciprocal basis as such foreign country accords to nationals of the United States who are within a similar class; except that in the case of aliens who are nationals of a foreign country and who either are granted refugee status and firmly resettled in another foreign country or are granted permanent residence and residing in another foreign country, the Secretary of State may prescribe the period of validity of such a visa based upon the treatment granted by that other foreign country to alien refugees and permanent residents, respectively, in the United States.

''(3) VISA REPLACEMENT.—An immigrant visa may be replaced under the original number during the fiscal year in which the original visa was issued for an immigrant who establishes to the satisfaction of the consular officer that the immigrant—

''(A) was unable to use the original immigrant visa during the period of its validity because of reasons beyond his control and for which he was not responsible;

''(B) is found by a consular officer to be eligible for an immigrant visa; and

''(C) pays again the statutory fees for an application and an immigrant visa.

''(4) FEE WAIVER.—If an immigrant visa was issued, on or after March 27, 2013, for a child who has been lawfully adopted, or who is coming to the United States to be adopted, by a United States citizen, any statutory immigrant visa fees relating to a renewal or replacement of such visa may be waived or, if already paid, may be refunded upon request, subject to such criteria as the Secretary of State may prescribe, if—

''(A) the immigrant child was unable to use the original immigrant visa during the period of its validity as a direct result of extraordinary circumstances, including the denial of an exit permit; and

''(B) if such inability was attributable to factors beyond the control of the adopting parent or parents and of the immigrant.''.

Mr. MCCONNELL. Mr. President, I just want to briefly say a few words about today's Senate passage of S. 1300, the Adoptive Family Relief Act. The issue this bill addresses is of particular importance to me, and I am proud to be a cosponsor of the legislation.

More than 400 American families—approximately 20 of them from Kentucky—have successfully adopted children from the Democratic Republic of the Congo or the DRC. However, due to the DRC Government's suspension of exit permits—which has been in place for close to 2 years now—many of these families have been unable to bring their adoptive children home to the United States.

For example, although I was pleased to be able to help the Brock family from Owensboro, KY, with the return of one of their adopted sons last Christmas, their other son still remains in the DRC. To make matters worse, many of these families have been financially burdened by the cost of continually renewing their children's visas while they wait for the day the DRC decides to lift the suspension.

In an attempt to help these families, the Adoptive Family Relief Act will provide meaningful financial relief by granting the State Department the authority to waive the fees for multiple visa renewals in this and other extraordinary adoption circumstances.

The bill builds on Congress's bipartisan efforts on this adoption issue, including a provision in this year's congressional budget resolution to encourage a solution to the stalemate in the DRC.

I strongly urge the DRC Government to resolve this matter. I truly hope there is a solution to it soon, but until then I urge the House and President Obama to help us enact the Adoptive Family Relief Act. The passage of this bill through the Senate today will help bring needed assistance to so many loving families across our country who want nothing more than to open their homes to a child in need.

I wish to thank the bill's sponsors, Senators FEINSTEIN and JOHNSON, the 17 other bipartisan cosponsors, and the Judiciary Committee for their hard work and truly bipartisan commitment to solving this heartbreaking issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. MCCONNELL. I am sorry. I withhold.