S. 1611

At the request of Mr. JOHNSON of Wisconsin, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Arizona (Mr. KYL), the Senator from Texas (Mr. CORNYN), the Senator from Alabama (Mr. SESSIONS), the Senator from Arizona (Mr. MCCAIN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Mississippi (Mr. WICKER), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. COBURN), the Senator from Idaho (Mr. RISCH), the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. BARRASSO), the Senator from Louisiana (Mr. VITTER), the Senator from Florida (Mr. RUBIO), and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 1611, a bill to reduce the size of the Federal workforce through attrition, and for other purposes.

S. 1639

At the request of Mr. TESTER, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1639, a bill to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

S. 1653

At the request of Ms. KLOBUCHAR, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1653, a bill to make minor modifications to the procedures relating to the issuance of visas.

S. RES. 132

At the request of Mr. NELSON of Nebraska, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 132, a resolution recognizing and honoring the zoos and aquariums of the United States.

AMENDMENT NO. 669

At the request of Mr. MERKLEY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 669 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 671

At the request of Mr. BARRASSO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 671 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 672

At the request of Mr. BARRASSO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 672 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 680

At the request of Mr. HATCH, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Texas (Mr. CORNYN), the Senator from Mississippi (Mr. WICKER) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 680 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 692

At the request of Mr. JOHANNS, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of amendment No. 692 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 703

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 703 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 717

At the request of Ms. COLLINS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 717 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 728

At the request of Mr. COONS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 728 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself and Mr. CARDIN):

S. 1662. A bill to amend the Federal Food, Drug and Cosmetic Act to establish a nanotechnology regulatory science program; to the Committee on Health, Education, Labor, and Pensions.

Mr. PRYOR. Mr. President, I rise today with Senator CARDIN to introduce the Nanotechnology Regulatory Science Act of 2011 which will authorize a program of regulatory science by the U.S. Food and Drug Administration on nanotechnology-based medical and health products.

Nanotechnology holds great promise to revolutionize the development of new medicines, drug delivery, and orthopedic implants while holding down the cost of health care. However, Congress and the FDA must assure the public that nanotechnology-based products are both safe and efficacious. The Nanotechnology Regulatory Science Act of 2011 will enable the FDA to properly study how nanomaterials are absorbed by the human body, how nanomaterials designed to carry cancer fighting drugs target and kill tumors, and how nanoscale texturing of bone implants can make a stronger joint and reduce the threat of infection.

Nanotechnology, or the manipulation of material at dimensions between 1 and 100 nanometers, is a challenging scientific area. To put this size scale in perspective, a human hair is 80,000 nanometers thick.

Nanomaterials have different chemical, physical, electrical and biological characteristics than when used as larger, bulk materials. For example, nanoscale silver has exhibited unique antibacterial properties for treating infections and wounds. Nanomaterials have a much larger ratio of surface area to mass than ordinary materials do. It is at the surface of materials that biological and chemical reactions take place and so we would expect nanomaterials to be more reactive than bulk materials.

The novel characteristics of nanomaterials mean that risk assessments developed for ordinary materials may be of limited use in determining the health and public safety of products based on nanotechnology.

The FDA needs the tools and resources to assure the public that nanotechnology-based medical and health products are safe and effective. The development of a regulatory framework for the use of nanomaterials in drugs, medical devices, cosmetics, sunscreens and food additives must be based on scientific knowledge and data about each specific technology and product. Without a robust regulatory science framework there is no way to know what data to collect. More than a dozen material characteristics have been suggested even for relatively simple nanomaterials. Without better scientific knowledge of nanomaterials and their behavior in the human body, we do not know what data to collect and examine.

In 2007, the FDA Nanotechnology Task Force published a report analyzing the FDA's scientific program and regulatory authority for addressing nanotechnology in drugs, medical devices, biologics, and food supplements. A general finding of the report is that nanoscale materials present regulatory challenges similar to those posed by products using other emerging technologies. However, these challenges may be magnified because nanotechnology can be used to make almost any FDA-regulated product. Also, at the nanoscale, the properties of a material relevant to the safety and effectiveness of the FDA-regulated products might change.

The Task Force recommended that the FDA focus on improving its scientific knowledge of nanotechnology to help ensure the agency's regulatory effectiveness, particularly with regard to products not subject to premarket authorization requirements.

The FDA has already reviewed and approved some nanotechnology-based products. In the coming years, they expect a significant increase in the use of nanomaterials in drugs, devices, biologics, cosmetics, food, and over-the-counter products. This will require the FDA to devote more of its regulatory attention to nanotechnology based products.

The FDA has already begun to devote some resources to the understanding of the human health effects and safety of nanotechnology. The FDA has established a Nanotechnology Core Facility at the National Center for Toxicological Research in Jefferson Arkansas. In August, Arkansas Governor Beebe and FDA Commissioner Hamburg signed a memorandum understanding creating a Virtual Center of Excellence in regulatory science pertaining to nanotechnology. Under the agreement, the state's five research universities—the University of Arkansas, Fayetteville; the University of Arkansas for Medical Sciences; the University of Arkansas at Little Rock; the University of Arkansas at Pine Bluff, and Arkansas State University—will work with the NCTR to establish a nanotechnology collaborative research program dealing specifically with toxicity. In addition, UAMS will offer a Master's degree and a certification program in regulatory science.

Let me talk for a few minutes about two areas where nanotechnology is already being applied to health care, the early detection of cancer and multifunctional therapeutics.

The early detection of cancer can result in significant improvement in human health care and reduction in cost. Nanotechnology offers important new tools for detection where existing and more conventional technologies may be reaching their limits. The present obstacle to early detection of cancer lies in the inability of existing tools to detect these molecular level changes directly during early phases in the genesis of a cancer. Nanotechnology can provide smart contrast agents and tools for real time imaging of a single cell and tissues at the nanoscale.

Nanotechnology promises a host of minimally-invasive diagnostic techniques and much research is aimed at ultra-sensitive labeling and detection technologies. In the in vitro area, nanotechnology can help define cancers by molecular signatures denoting processes that reflect fundamental changes in cells and tissues that lead to cancer. Already, investigators have developed novel nanoscale in vitro techniques that can analyze genomic variations across different tumor types and distinguish normal from malignant cells.

In the in vivo area, one of the most pressing needs in clinical oncology is for imaging agents that can identify tumors that are far smaller than is possible with today's technology. Achieving this level of sensitivity requires better targeting of imaging agents and generation of a larger imaging signal, both of which nanoscale devices are capable of accomplishing.

Perhaps the greatest near-term impact of multifunctional therapeutic compounds will come in the area of tumor targeting and cancer therapies. Nanotechnology can be used to develop new methods of drug delivery that better target selected tissues and cells, and to improve on the efficiency of drug activity in the cytoplasm or nucleus. Drug delivery applications will provide a solution to solubility problems, as well as offer intracellular delivery possibilities.

The introduction of nanotechnology to multifunctional therapeutics is at an early stage of development. The delivery of nanoscale multifunctional therapeutics could permit very precise site specific targeting of cancer cells. More sophisticated ''smart'' systems for drug delivery still have to be developed that sense and respond to specific chemical agents and are tailored to each patient. Multifunctional therapeutic devices need to be developed that simultaneously detect, diagnose, treat and monitor response to the therapy. For example, various nanomaterials can be made to link with a drug, a targeting molecule and an imaging agent to seek out cancers and release their payload when required.

In conclusion, the Nanotechnology Regulatory Science Act of 2011 will provide the FDA the authority necessary to scientifically study the safety and effectiveness of nanotechnology-based drugs, delivery systems, medical devices, orthopedic implants, cosmetics, and food additives regulated by the agency. This bill is a sound investment on the promise of nanotechnology to improve human health and reduce costs in the 21st century.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1662

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 ''Nanotechnology Regulatory Science Act of 2011''.

SEC. 2. NANOTECHNOLOGY PROGRAM.

Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

''SEC. 1013. NANOTECHNOLOGY REGULATORY SCIENCE PROGRAM.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Nanotechnology Regulatory Science Act of 2011, the Secretary, in consultation with the Secretary of Agriculture, shall establish within the Food and Drug Administration a program for the scientific investigation of nanomaterials included or intended for inclusion in products regulated under this Act, to address the potential toxicology of such materials, the effects of such materials on biological systems, and interaction of such materials with biological systems.

''(b) PROGRAM PURPOSES.—The purposes of the program established under subsection (a) shall be to—

''(1) assess scientific literature and data on general nanomaterials interactions with biological systems and on specific nanomaterials of concern to Food and Drug Administration;

''(2) in cooperation with other Federal agencies, develop and organize information using databases and models that will facilitate the identification of generalized principles and characteristics regarding the behavior of classes of nanomaterials with biological systems;

''(3) promote intramural Food and Drug Administration programs and participate in collaborative efforts, to further the understanding of the science of novel properties at the nanoscale that might contribute to toxicity;

''(4) promote and participate in collaborative efforts to further the understanding of measurement and detection methods for nanomaterials;

''(5) collect, synthesize, interpret, and disseminate scientific information and data related to the interactions of nanomaterials with biological systems;

''(6) build scientific expertise on nanomaterials within such Administration, including field and laboratory expertise, for monitoring the production and presence of nanomaterials in domestic and imported products regulated under this Act;

''(7) ensure ongoing training, as well as dissemination of new information within the centers of such Administration, and more broadly across such Administration, to ensure timely, informed consideration of the most current science;

''(8) encourage such Administration to participate in international and national consensus standards activities; and

''(9) carry out other activities that the Secretary determines are necessary and consistent with the purposes described in paragraphs (1) through (8).

''(c) PROGRAM ADMINISTRATION.—

''(1) PROGRAM MANAGER.—In carrying out the program under this section, the Secretary, acting through the Commissioner of Food and Drugs, shall designate a program manager who shall supervise the planning, management, and coordination of the program.

''(2) DUTIES.—The program manager shall—

''(A) develop a detailed strategic plan for achieving specific short- and long-term technical goals for the program;

''(B) coordinate and integrate the strategic plan with activities by the Food and Drug Administration and other departments and agencies participating in the National Nanotechnology Initiative; and

''(C) develop intramural Food and Drug Administration programs, contracts, memoranda of agreement, joint funding agreements, and other cooperative arrangements necessary for meeting the long-term challenges and achieving the specific technical goals of the program.

''(d) REPORTS.—Not later than March 15, 2014, the Secretary shall submit to Congress a report on the program carried out under this section. Such report shall include—

''(1) a review of the specific short- and long-term goals of the program;

''(2) an assessment of current and proposed funding levels for the program, including an

assessment of the adequacy of such funding levels to support program activities; and

''(3) a review of the coordination of activities under the program with other departments and agencies participating in the National Nanotechnology Initiative.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for fiscal year 2013, $16,000,000 for fiscal year 2014, and $17,000,000 for fiscal year 2015. Amounts appropriated pursuant to this subsection shall remain available until expended.''.

By Mrs. FEINSTEIN:

S. 1664. A bill to amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the Equal Justice for Our Military Act of 2011. The act would eliminate inequities in current law by allowing court-martialed servicemembers who face dismissal, discharge or confinement for a year or more to seek review by the United States Supreme Court.

In our civilian courts today, all persons convicted of a crime, if they lose on appeal, have a right to petition the U.S. Supreme Court for discretionary review. Even enemy combatants have the right to direct appellate review in the Supreme Court.

In contrast, however, our men and women in uniform do not share this same right. Our military personnel have a limited right to appeal to the U.S. Supreme Court. They can appeal to the U.S. Supreme Court only if the U.S. Court of Appeals for the Armed Forces, CAAF, actually conducts a review of their case or grants a petition for extraordinary relief. In other words, if the CAAF refuses to take their case, or denies their extraordinary relief petition, the servicemember has no right to further review in the Supreme Court.

For fiscal years 2008 through 2010, the CAAF denied a total of 2230 petitions for review. The CAAF also averages about 20 denials of extraordinary relief petitions every year. Taken together, this means that there are more than 750 court-martial decisions per year in which servicemembers are denied the opportunity to seek certiorari from the Supreme Court.

In addition to this disparity between our civilian and military court systems, there is another disparity within the military court system itself. The government may petition the Supreme Court for review of adverse court-martial rulings in any case where the charges are severe enough to make a punitive discharge possible. But servicemembers do not have the same rights to petition the Supreme Court that the military prosecutors on the other side of the aisle have.

The bill I am introducing today is a simple one, which would correct these inequities. It would allow servicemembers whose appeals are denied review by the U.S. Court of Appeals for the Armed Forces, or who were denied extraordinary relief, the opportunity to seek review of those decisions by writ of certiorari to the U.S. Supreme Court.

While this legislation would provide a fairer legal process for servicemembers, it would not unduly burden the military or the Supreme Court. As noted in the 2010 House Judiciary Committee Report on the legislation, the expanded Supreme Court review of court-martial decisions authorized by the legislation would result in only about 80–120 additional petitions for certiorari each year. Additionally, the Congressional Budget Office has estimated that the increased workload for Department of Defense attorneys and Supreme Court clerks would cost less than $1 million each year.

Every day, our U.S. service personnel place their lives on the line in defense of American rights. It is unacceptable for us to continue to routinely deprive our men and women in uniform of one of those rights—the ability to petition their Nation's highest court for direct relief. It is a right given to common criminals in our civilian courts, to the Government, and even to some of the terrorists who we hope to prosecute as war criminals.

It is long past time we give them the same rights as the American citizens they fight, and sometimes die, to protect. I urge my colleagues to support this important legislation to give equal justice to our U.S. servicemembers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1664

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 ''Equal Justice for Our Military Act of 2011''.

SEC. 2. CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.

(a) IN GENERAL.—Section 1259 of title 28, United States Code, is amended

(1) in paragraph (3), by inserting ''or denied'' after ''granted''; and

(2) in paragraph (4), by inserting ''or denied'' after ''granted''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 10.—Section 867a(a) of title 10, United States Code, is amended by striking ''The Supreme Court may not review by a writ of certiorari under this section any action of the Court of Appeals for the Armed Forces in refusing to grant a petition for review.''.

(2) TIME FOR APPLICATION FOR WRIT OF CERTIORARI.—Section 2101(g) of title 28, United States Code, is amended to read as follows:

''(g) The time for application for a writ of certiorari to review a decision of the United States Court of Appeals for the Armed Forces, or the decision of a Court of Criminal Appeals that the United States Court of Appeals for the Armed Forces refuses to grant a petition to review, shall be as prescribed by rules of the Supreme Court.''.

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by this Act shall take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act and shall apply to any petition granted or denied by the United States Court of Appeals for the Armed Forces on or after that effective date.

(b) AUTHORITY TO PRESCRIBE RULES.—The authority of the Supreme Court to prescribe rules to carry out section 2101(g) of title 28, United States Code, as amended by section 2(b)(2) of this Act, shall take effect on the date of the enactment of this Act.

By Mr. HARKIN:

S. 1667. A bill to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am delighted to introduce this bill today. This legislation will play a critical role in ensuring the safety of our Nation's youth who especially deserve to be safe and cared for when they are trying to get better in a residential treatment facility. This bill is a companion to The Stop Child Abuse in Residential Programs for Teens Act, which was introduced in the House today by Representative GEORGE MILLER. I commend Representative MILLER for his commitment to this important issue.

The emotional and mental well-being of our Nation's youth is of paramount importance. In recent years, the prevalence of child abuse in residential facilities has jeopardized the livelihood of our nation's next generation. In 2005, The Government Accountability Office reported over 1,500 incidences of abuse and neglect by facility staff in 34 States. These incidences included shocking cases in which youth were denied food and water or held in stress positions for extended periods of time. In 2006, 28 States reported at least one death in a residential facility. This includes my State of Iowa and this is simply unacceptable. These deaths were a result of accidents or suicides that, in some instances, may have been caused by a lack of supervision or neglect. In 2009, 1,770 children and youth died from maltreatment, which in some cases, may be attributed to the inexperienced staff members who lack the proper training or qualifications to serve in their roles.

This legislation will make significant strides in improving the quality of care in residential program facilities. This bill will make improvements in four key areas that will ensure that our children and youth our safe. First, it includes new national standards that will prevent residential facilities from physically, mentally, or sexually abusing children in their care. Second, this bill increases transparency on qualifications, roles, and responsibilities of all current staff members. Third, it increases restrictions that will hold residential programs accountable for violating the law. Lastly, this bill allows states the opportunity to step in to protect teens in residential programs.

I want to take a moment to acknowledge the youth who have lost their lives while in the care of a residential treatment facility and their parents and families. No child should be forced to suffer abuse, neglect, injury, or even death while they are trying to better themselves in a residential program.

I would also like to mention those who have worked so hard on my staff. I would like to thank Dan Smith and Pam Smith, who do a great job shepherding the undertakings of our committee. I would like to thank Bethany Little, David Johns, Ashley Eden and Michael Gamel-McCormick of my staff. This is a critical step forward to making sure that we ensure the safety of America's youth.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1667

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 ''Stop Child Abuse in Residential Programs for Teens Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary for Children and Families of the Department of Health and Human Services.

(2) CHILD.—The term ''child'' means an individual who has not attained the age of 18.

(3) CHILD ABUSE AND NEGLECT.—The term ''child abuse and neglect'' has the meaning given such term in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note).

(4) COVERED PROGRAM.—

(A) IN GENERAL.—The term ''covered program'' means each location of a program operated by a public or private entity that, with respect to one or more children who are unrelated to the owner or operator of the program—

(i) provides a residential environment, such as—

(I) a program with a wilderness or outdoor experience, expedition, or intervention;

(II) a boot camp experience or other experience designed to simulate characteristics of basic military training or correctional regimes;

(III) a therapeutic boarding school; or

(IV) a behavioral modification program; and

(ii) operates with a focus on serving children with—

(I) emotional, behavioral, or mental health problems or disorders; or

(II) problems with alcohol or substance abuse.

(B) EXCLUSION.—The term ''covered program'' does not include—

(i) a hospital licensed by the State; or

(ii) a foster family home that provides 24-hour substitute care for children placed away from their parents or guardians and for whom the State child welfare services agency has placement and care responsibility and that is licensed and regulated by the State as a foster family home.

(5) PROTECTION AND ADVOCACY SYSTEM.—The term ''protection and advocacy system'' means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

(6) STATE.—The term ''State'' has the meaning given such term in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note).

SEC. 3. STANDARDS AND ENFORCEMENT.

(a) MINIMUM STANDARDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary for Children and Families of the Department of Health and Human Services shall require each covered program, in order to provide for the basic health and safety of children at such a program, to meet the following minimum standards:

(A) Child abuse and neglect shall be prohibited.

(B) Disciplinary techniques or other practices that involve the withholding of essential food, water, clothing, shelter, or medical care necessary to maintain physical health, mental health, and general safety, shall be prohibited.

(C) The protection and promotion of the right of each child at such a program to be free from physical, chemical, and mechanical restraints and seclusion (as such terms are defined in section 595 of the Public Health Service Act (42 U.S.C. 290jj)) to the same extent and in the same manner as a non-medical, community-based facility for children and youth is required to protect and promote the right of its residents to be free from such restraints and seclusion under such section 595, including the prohibitions and limitations described in subsection (b)(3) of such section.

(D) Acts of physical or mental abuse designed to humiliate, degrade, or undermine a child's self-respect shall be prohibited.

(E) Each child at such a program shall have reasonable access to a telephone, and be informed of their right to such access, for making and receiving phone calls with as much privacy as possible, and shall have access to the appropriate State or local child abuse reporting hotline number, and the national hotline number referred to in subsection (c)(2).

(F) Each staff member, including volunteers, at such a program shall be required, as a condition of employment, to become familiar with what constitutes child abuse and neglect, as defined by State law.

(G) Each staff member, including volunteers, at such a program shall be required, as a condition of employment, to become familiar with the requirements, including with State law relating to mandated reporters, and procedures for reporting child abuse and neglect in the State in which such a program is located.

(H) Full disclosure, in writing, of staff qualifications and their roles and responsibilities at such program, including medical, emergency response, and mental health training, to parents or legal guardians of children at such a program, including providing information on any staff changes, including changes to any staff member's qualifications, roles, or responsibilities, not later than 10 days after such changes occur.

(I) Each staff member at a covered program described in subclause (I) or (II) of section 2(4)(A)(i) shall be required, as a condition of employment, to be familiar with the signs, symptoms, and appropriate responses associated with heatstroke, dehydration, and hypothermia.

(J) Each staff member, including volunteers with unsupervised contact with children and youth, or more than 30 hours of supervised contact time per year, shall be required, as a condition of employment, to submit to a criminal history check, including a name-based search of the National Sex Offender Registry established pursuant to the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248; 42 U.S.C. 16901 et seq.), a search of the State criminal registry or repository in the State in which the covered program is operating, and a Federal Bureau of Investigation fingerprint check. An individual shall be ineligible to serve in a position with any contact with children at a covered program if any such record check reveals a felony conviction for child abuse or neglect, spousal abuse, a crime against children (including child pornography), or a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

(K) Policies and procedures for the provision of emergency medical care, including policies for staff protocols for implementing emergency responses.

(L) All promotional and informational materials produced by such a program shall include a hyperlink to or the URL address of the website created by the Assistant Secretary pursuant to subsection (c)(1)(A).

(M) Policies to require parents or legal guardians of a child attending such a program—

(i) to notify, in writing, such program of any medication the child is taking;

(ii) to be notified within 24 hours of any changes to the child's medical treatment and the reason for such change; and

(iii) to be notified within 24 hours of any missed dosage of prescribed medication.

(N) Procedures for notifying immediately, to the maximum extent practicable, but not later than within 48 hours, parents or legal guardians with children at such a program of any—

(i) on-site investigation of a report of child abuse and neglect;

(ii) violation of the health and safety standards described in this paragraph; and

(iii) violation of State licensing standards developed pursuant to section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act.

(O) Other standards the Assistant Secretary determines appropriate to provide for the basic health and safety of children at such a program.

(2) REGULATIONS.—

(A) INTERIM REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall promulgate and enforce interim regulations to carry out paragraph (1).

(B) PUBLIC COMMENT.—The Assistant Secretary shall, for a 90-day period beginning on the date of the promulgation of interim regulations under subparagraph (A) of this paragraph, solicit and accept public comment concerning such regulations. Such public comment shall be submitted in written form.

(C) FINAL REGULATIONS.—Not later than 90 days after the conclusion of the 90-day period referred to in subparagraph (B) of this paragraph, the Assistant Secretary shall promulgate and enforce final regulations to carry out paragraph (1).

(b) MONITORING AND ENFORCEMENT.—

(1) ON-GOING REVIEW PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall implement an on-going review process for investigating and evaluating reports of child abuse and neglect at covered programs received by the Assistant Secretary from the appropriate State, in accordance with section 114(b)(3) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act. Such review process shall—

(A) include an investigation to determine if a violation of the standards required under subsection (a)(1) has occurred;

(B) include an assessment of the State's performance with respect to appropriateness of response to and investigation of reports of child abuse and neglect at covered programs and appropriateness of legal action against responsible parties in such cases;

(C) be completed not later than 60 days after receipt by the Assistant Secretary of such a report;

(D) not interfere with an investigation by the State or a subdivision thereof; and

(E) be implemented in each State in which a covered program operates until such time as each such State has satisfied the requirements under section 114(c) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act, as determined by the Assistant Secretary, or two years has elapsed from the date that such review process is implemented, whichever is later.

(2) CIVIL PENALTIES.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall promulgate regulations establishing civil penalties for violations of the standards required under subsection (a)(1). The regulations establishing such penalties shall incorporate the following:

(A) Any owner or operator of a covered program at which the Assistant Secretary has found a violation of the standards required under subsection (a)(1) may be assessed a civil penalty not to exceed $50,000 per violation.

(B) All penalties collected under this subsection shall be deposited in the appropriate account of the Treasury of the United States.

(c) DISSEMINATION OF INFORMATION.—The Assistant Secretary shall establish, maintain, and disseminate information about the following:

(1) Websites made available to the public that contain, at a minimum, the following:

(A) The name and each location of each covered program, and the name of each owner and operator of each such program, operating in each State, and information regarding—

(i) each such program's history of violations of—

(I) regulations promulgated pursuant to subsection (a); and

(II) section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(ii) each such program's current status with the State licensing requirements under section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(iii) any deaths that occurred to a child while under the care of such a program, including any such deaths that occurred in the five-year period immediately preceding the date of the enactment of this Act, and including the cause of each such death;

(iv) owners or operators of a covered program that was found to be in violation of the standards required under subsection (a)(1), or a violation of the licensing standards developed pursuant to section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act, and who subsequently own or operate another covered program; and

(v) any penalties levied under subsection (b)(2) and any other penalties levied by the State, against each such program.

(B) Information on best practices for helping adolescents with mental health disorders, conditions, behavioral challenges, or alcohol or substance abuse, including information to help families access effective resources in their communities.

(2) A national toll-free telephone hotline to receive complaints of child abuse and neglect at covered programs and violations of the standards required under subsection (a)(1).

(d) ACTION.—The Assistant Secretary shall establish a process to—

(1) ensure complaints of child abuse and neglect received by the hotline established pursuant to subsection (c)(2) are promptly reviewed by persons with expertise in evaluating such types of complaints;

(2) immediately notify the State, appropriate local law enforcement, and the appropriate protection and advocacy system of any credible complaint of child abuse and neglect at a covered program received by the hotline;

(3) investigate any such credible complaint not later than 30 days after receiving such complaint to determine if a violation of the standards required under subsection (a)(1) has occurred; and

(4) ensure the collaboration and cooperation of the hotline established pursuant to subsection (c)(2) with other appropriate National, State, and regional hotlines, and, as appropriate and practicable, with other hotlines that might receive calls about child abuse and neglect at covered programs.

SEC. 4. ENFORCEMENT BY THE ATTORNEY GENERAL.

If the Assistant Secretary determines that a violation of subsection (a)(1) of section 3 has not been remedied through the enforcement process described in subsection (b)(2) of such section, the Assistant Secretary shall refer such violation to the Attorney General for appropriate action. Regardless of whether such a referral has been made, the Attorney General may, sua sponte, file a complaint in any court of competent jurisdiction seeking equitable relief or any other relief authorized by this Act for such violation.

SEC. 5. REPORT.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of Health and Human Services, in coordination with the Attorney General shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the activities carried out by the Assistant Secretary and the Attorney General under this Act, including—

(1) a summary of findings from on-going reviews conducted by the Assistant Secretary pursuant to section 3(b)(1), including a description of the number and types of covered programs investigated by the Assistant Secretary pursuant to such section;

(2) a description of types of violations of health and safety standards found by the Assistant Secretary and any penalties assessed;

(3) a summary of State progress in meeting the requirements of this Act, including the requirements under section 114 of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(4) a summary of the Secretary's oversight activities and findings conducted pursuant to subsection (d) of such section 114; and

(5) a description of the activities undertaken by the national toll-free telephone hotline established pursuant to section 3(c)(2).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Health and Human Services $15,000,000 for each of fiscal years 2012 through 2016 to carry out this Act (excluding the amendment made by section 7 of this Act and section 8 of this Act).

SEC. 7. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRANTS TO STATES TO PREVENT CHILD ABUSE AND NEGLECT AT RESIDENTIAL PROGRAMS.

(a) IN GENERAL.—Title I of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following new section:

"SEC. 114. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRANTS TO STATES TO PREVENT CHILD ABUSE AND NEGLECT AT RESIDENTIAL PROGRAMS.

''(a) DEFINITIONS.—In this section:

''(1) CHILD.—The term 'child' means an individual who has not attained the age of 18.

''(2) COVERED PROGRAM.—

''(A) IN GENERAL.—The term 'covered program' means each location of a program operated by a public or private entity that, with respect to one or more children who are unrelated to the owner or operator of the program—

''(i) provides a residential environment, such as—

''(I) a program with a wilderness or outdoor experience, expedition, or intervention;

''(II) a boot camp experience or other experience designed to simulate characteristics of basic military training or correctional regimes;

''(III) a therapeutic boarding school; or

''(IV) a behavioral modification program; and

''(ii) operates with a focus on serving children with—

''(I) emotional, behavioral, or mental health problems or disorders; or

''(II) problems with alcohol or substance abuse.

''(B) EXCLUSION.—The term 'covered program' does not include—

''(i) a hospital licensed by the State; or

''(ii) a foster family home that provides 24-hour substitute care for children place away from their parents or guardians and for whom the State child welfare services agency has placement and care responsibility and that is licensed and regulated by the State as a foster family home.

''(3) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

''(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under section 106, a State shall—

''(1) not later than three years after the date of the enactment of this section, develop policies and procedures to prevent child abuse and neglect at covered programs operating in such State, including having in effect health and safety licensing requirements applicable to and necessary for the operation of each location of such covered programs that include, at a minimum—

''(A) standards that meet or exceed the standards required under section 3(a)(1) of the Stop Child Abuse in Residential Programs for Teens Act of 2011;

''(B) the provision of essential food, water, clothing, shelter, and medical care necessary to maintain physical health, mental health, and general safety of children at such programs;

''(C) policies for emergency medical care preparedness and response, including minimum staff training and qualifications for such responses; and

''(D) notification to appropriate staff at covered programs if their position of employment meets the definition of mandated reporter, as defined by the State;

''(2) develop policies and procedures to monitor and enforce compliance with the licensing requirements developed in accordance with paragraph (1), including—

''(A) designating an agency to be responsible, in collaboration and consultation with

State agencies providing human services (including child protective services, and services to children with emotional, psychological, developmental, or behavioral dysfunctions, impairments, disorders, or alcohol or substance abuse), State law enforcement officials, the appropriate protection and advocacy system, and courts of competent jurisdiction, for monitoring and enforcing such compliance;

''(B) establishing a State licensing application process through which any individual seeking to operate a covered program would be required to disclose all previous substantiated reports of child abuse and neglect and all child deaths at any businesses previously or currently owned or operated by such individual, except that substantiated reports of child abuse and neglect may remain confidential and all reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect;

''(C) conducting unannounced site inspections not less often than once every two years at each location of a covered program;

''(D) creating a non-public database, to be integrated with the annual State data reports required under section 106(d), of reports of child abuse and neglect at covered programs operating in the State, except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect; and

''(E) implementing a policy of graduated sanctions, including fines and suspension and revocation of licences, against covered programs operating in the State that are out of compliance with such health and safety licensing requirements;

''(3) if the State is not yet satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures for notifying the Secretary and the appropriate protection and advocacy system of any report of child abuse and neglect at a covered program operating in the State not later than 30 days after the appropriate State entity, or subdivision thereof, determines such report should be investigated and not later than 48 hours in the event of a fatality;

''(4) if the Secretary determines that the State is satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures for notifying the Secretary if—

''(A) the State determines there is evidence of a pattern of violations of the standards required under paragraph (1) at a covered program operating in the State or by an owner or operator of such a program; or

''(B) there is a child fatality at a covered program operating in the State;

''(5) develop policies and procedures for establishing and maintaining a publicly available database of all covered programs operating in the State, including the name and each location of each such program and the name of the owner and operator of each such program, information on reports of substantiated child abuse and neglect at such programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect and that such database shall include and provide the definition of 'substantiated' used in compiling the data in cases that have not been finally adjudicated), violations of standards required under paragraph (1), and all penalties levied against such programs;

''(6) annually submit to the Secretary a report that includes—

''(A) the name and each location of all covered programs, including the names of the owners and operators of such programs, operating in the State, and any violations of State licensing requirements developed pursuant to subsection (b)(1); and

''(B) a description of State activities to monitor and enforce such State licensing requirements, including the names of owners and operators of each covered program that underwent a site inspection by the State, and a summary of the results and any actions taken; and

''(7) if the Secretary determines that the State is satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures to report to the appropriate protection and advocacy system any case of the death of an individual under the control or supervision of a covered program not later than 48 hours after the State is informed of such death.

''(c) SECRETARIAL DETERMINATION.—The Secretary shall not determine that a State's licensing requirements, monitoring, and enforcement of covered programs operating in the State satisfy the requirements of subsection (b) unless—

''(1) the State implements licensing requirements for such covered programs that meet or exceed the standards required under subsection (b)(1);

''(2) the State designates an agency to be responsible for monitoring and enforcing compliance with such licensing requirements;

''(3) the State conducts unannounced site inspections of each location of such covered programs not less often than once every two years;

''(4) the State creates a non-public database of such covered programs, to include information on reports of child abuse and neglect at such programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect);

''(5) the State implements a policy of graduated sanctions, including fines and suspension and revocation of licenses against such covered programs that are out of compliance with the health and safety licensing requirements under subsection (b)(1); and

''(6) after a review of assessments conducted under section 3(b)(1)(B) of the Stop Child Abuse in Residential Programs for Teens Act of 2011, the Secretary determines the State is appropriately investigating and responding to allegations of child abuse and neglect at such covered programs.

''(d) OVERSIGHT.—

''(1) IN GENERAL.—Beginning two years after the date of the enactment of the Stop Child Abuse in Residential Programs for Teens Act of 2011, the Secretary shall implement a process for continued monitoring of each State that is determined to be satisfying the licensing, monitoring, and enforcement requirements of subsection (b), in accordance with a determination made pursuant to subsection (c), with respect to the performance of each such State regarding—

''(A) preventing child abuse and neglect at covered programs operating in each such State; and

''(B) enforcing the licensing standards described in subsection (b)(1).

''(2) EVALUATIONS.—The process required under paragraph (1) shall include in each State, at a minimum—

''(A) an investigation not later than 60 days after receipt by the Secretary of a report from a State, or a subdivision thereof, of child abuse and neglect at a covered program operating in the State, and submission of findings to appropriate law enforcement or other local entity where necessary, if the report indicates—

''(i) a child fatality at such program; or

''(ii) there is evidence of a pattern of violations of the standards required under subsection (b)(1) at such program or by an owner or operator of such program;

''(B) an annual review by the Secretary of cases of reports of child abuse and neglect investigated at covered programs operating in the State to assess the State's performance with respect to the appropriateness of response to and investigation of reports of child abuse and neglect at covered programs and the appropriateness of legal actions taken against responsible parties in such cases; and

''(C) unannounced site inspections of covered programs operating in the State to monitor compliance with the standards required under section 3(a) of the Stop Child Abuse in Residential Programs for Teens Act of 2011.

''(3) ENFORCEMENT.—If the Secretary determines, pursuant to an evaluation under this subsection, that a State is not adequately implementing, monitoring, and enforcing the licensing requirements of subsection (b)(1), the Secretary shall require, for a period of not less than one year, that—

''(A) the State shall inform the Secretary of each instance there is a report to be investigated of child abuse and neglect at a covered program operating in the State; and

''(B) the Secretary and the appropriate local agency shall jointly investigate such report.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended by striking ''$120,000,000'' and all that follows through the period and inserting ''$235,000,000 for each of fiscal years 2012 through 2016.''.

(c) CONFORMING AMENDMENTS.—

(1) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1)(D) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)(D)) is amended by inserting after ''specific'' the following: ''(including reports of child abuse and neglect occurring at covered programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect), as such term is defined in section 114)''.

(2) FURTHER REQUIREMENT.—Section 106(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(1)) is amended by adding at the end the following new subparagraph:

''(D) FURTHER REQUIREMENT.—To be eligible to receive a grant under this section, a State shall comply with the requirements under section 114(b) and shall include in the State plan submitted pursuant to subparagraph (A) a description of the activities the State will carry out to comply with the requirements under such section 114(b).''.

(3) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended—

(A) in paragraph (1), by inserting before the period at the end the following: ''(including reports of child abuse and neglect occurring at covered programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect), as such term is defined in section 114)''; and

(B) in paragraph (6), by inserting before the period at the end the following: ''or who were in the care of a covered program, as such term is defined in section 114''.

(d) CLERICAL AMENDMENT.—Section 1(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended by inserting after the item relating to section 113 the following new item:

''Sec. 114. Additional eligibility requirements for grants to States to prevent child abuse and neglect at residential programs.''.

SEC. 8. STUDY AND REPORT ON OUTCOMES IN COVERED PROGRAMS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study, in consultation with relevant agencies and experts, to examine the outcomes for children in both private and public covered programs under this Act encompassing a broad representation of treatment facilities and geographic regions.

(b) REPORT.—The Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that contains the results of the study conducted under subsection (a).

By Mr. CARDIN (for himself, Mrs. BOXER, and Mr. REID):

S. 1669. A bill to authorize the Administrator of the Environmental Protection Agency to establish a program of awarding grants to owners or operators of water systems to increase the resiliency or adaptability of the systems to any ongoing or forecasted changes to the hydrologic conditions of a region of the United States; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today I am proud to introduce the Water Infrastructure Resiliency and Sustainability Act of 2011 along with my colleagues, Majority Leader REID and Senator BOXER. This legislation will allow local communities to improve their water infrastructure in the face of changing hydrological conditions.

Improving our water infrastructure is a major challenge to my constituents living in Maryland and to all Americans. It is no secret that America's current water infrastructure systems are in poor condition. Our water and wastewater systems have been given a D-, the lowest possible grade. In the United States, close to 250,000 water mains wasting 1.7 trillion gallons of water break each year.

Unfortunately, Marylanders have experienced this crisis first hand. In July of this year, a water main break in Cumberland, Maryland, caused close to $300,000 in damage to a local, family-owned business. Last January, a Prince George's County water main break shut down a portion of the Capital Beltway, closed local businesses and schools, and required 400,000 residents to boil their drinking water to ensure its safety.

The EPA has estimated that traditional necessary repairs and replacement costs over the next twenty years will cost over $600 billion.

We, as a Congress, have stepped up in the past to assist communities in fixing aging water infrastructure systems. The Safe Water Drinking Act Amendments of 1996 established the Drinking Water State Revolving Fund. The fund helps public water systems finance infrastructure projects needed to comply with Federal safe drinking water regulations.

But we need to do more. EPA Administrator Lisa Jackson told Congress that adapting to changing hydrological conditions is a ''significant issue'' that water and waste water systems must address soon. These hydrological changes will likely result in ''too little water in some places, too much water in other places, and degraded water quality'' in other areas across the country.

According to a recent study by the National Association of Clean Water Agencies and the Association of Metropolitan Water Agencies, the costs in dealing with this new recognized problem could approach $1 trillion through 2050.

The Water Infrastructure Resiliency and Sustainability Act aims to help local communities meet the challenges of upgrading water infrastructure systems to meet these hydrological changes. The bill directs the EPA to establish a Water Infrastructure Resiliency and Sustainability, WIRS, program. Grants will be awarded to eligible water systems to make the necessary upgrades. Communities across the country will be able to compete for federal matching funds, funds which in turn will help finance projects to help communities overcome these threats.

Improving water conservation, adjustments to current infrastructure systems, and funding programs to stabilize communities' existing water supply are all projects WIRS grants will fund. WIRS will never grant more than 50 percent of any project's cost, ensuring cooperation between local communities and the federal government. The EPA will try to award funds that use new and innovative ideas as often as possible.

A healthy water infrastructure is as important to America's economy as paved roads and sturdy bridges. Water and wastewater investment has been shown to spur economic growth. The U.S. Conference of Mayors has found that for every dollar invested in water infrastructure, the Gross Domestic Product is increased to more than $6. The Department of Commerce has found that that same dollar yields close to $3 worth of economic output in other industries. Every job created in local water and sewer industries creates close to four jobs elsewhere in the national economy.

This legislation would create jobs throughout the economy today, while helping water and wastewater systems make improvements to keep water clean and safe for tomorrow. I believe that by investing in water infrastructure, we can make progress for the American people on both jobs and clean, safe water.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1669

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 ''Water Infrastructure Resiliency and Sustainability Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) HYDROLOGIC CONDITION.—The term ''hydrologic condition'' means the quality, quantity, or reliability of the water resources of a region of the United States.

(3) OWNER OR OPERATOR OF A WATER SYSTEM.—

(A) IN GENERAL.—The term ''owner or operator of a water system'' means an entity (including a regional, State, tribal, local, municipal, or private entity) that owns or operates a water system.

(B) INCLUSIONS.—The term ''owner or operator of a water system'' includes—

(i) a non-Federal entity that has operational responsibilities for a federally-, tribally-, or State-owned water system; and

(ii) an entity established by an agreement between—

(I) an entity that owns or operates a water system; and

(II) at least 1 other entity.

(4) WATER SYSTEM.—The term ''water system'' means—

(A) a community water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f));

(B) a treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)), including a municipal separate storm sewer system (as such term is used in that Act (33 U.S.C. 1251 et seq.));

(C) a decentralized wastewater treatment system for domestic sewage;

(D) a groundwater storage and replenishment system;

(E) a system for transport and delivery of water for irrigation or conservation; or

(F) a natural or engineered system that manages floodwater.

SEC. 3. WATER INFRASTRUCTURE RESILIENCY AND SUSTAINABILITY.

(a) PROGRAM.—The Administrator shall establish and implement a program, to be known as the ''Water Infrastructure Resiliency and Sustainability Program'', under which the Administrator shall award grants for each of fiscal years 2012 through 2016 to owners or operators of water systems for the purpose of increasing the resiliency or adaptability of the water systems to any ongoing or forecasted changes (based on the best available research and data) to the hydrologic conditions of a region of the United States.

(b) USE OF FUNDS.—As a condition on receipt of a grant under this Act, an owner or operator of a water system shall agree to use the grant funds exclusively to assist in the planning, design, construction, implementation, operation, or maintenance of a program or project that meets the purpose described in subsection (a) by—

(1) conserving water or enhancing water use efficiency, including through the use of water metering and electronic sensing and control systems to measure the effectiveness of a water efficiency program;

(2) modifying or relocating existing water system infrastructure made or projected to

be significantly impaired by changing hydrologic conditions;

(3) preserving or improving water quality, including through measures to manage, reduce, treat, or reuse municipal stormwater, wastewater, or drinking water;

(4) investigating, designing, or constructing groundwater remediation, recycled water, or desalination facilities or systems to serve existing communities;

(5) enhancing water management by increasing watershed preservation and protection, such as through the use of natural or engineered green infrastructure in the management, conveyance, or treatment of water, wastewater, or stormwater;

(6) enhancing energy efficiency or the use and generation of renewable energy in the management, conveyance, or treatment of water, wastewater, or stormwater;

(7) supporting the adoption and use of advanced water treatment, water supply management (such as reservoir reoperation and water banking), or water demand management technologies, projects, or processes (such as water reuse and recycling, adaptive conservation pricing, and groundwater banking) that maintain or increase water supply or improve water quality;

(8) modifying or replacing existing systems or constructing new systems for existing communities or land that is being used for agricultural production to improve water supply, reliability, storage, or conveyance in a manner that—

(A) promotes conservation or improves the efficiency of use of available water supplies; and

(B) does not further exacerbate stresses on ecosystems or cause redirected impacts by degrading water quality or increasing net greenhouse gas emissions;

(9) supporting practices and projects, such as improved irrigation systems, water banking and other forms of water transactions, groundwater recharge, stormwater capture, groundwater conjunctive use, and reuse or recycling of drainage water, to improve water quality or promote more efficient water use on land that is being used for agricultural production;

(10) reducing flood damage, risk, and vulnerability by—

(A) restoring floodplains, wetland, and upland integral to flood management, protection, prevention, and response;

(B) modifying levees, floodwalls, and other structures through setbacks, notches, gates, removal, or similar means to facilitate reconnection of rivers to floodplains, reduce flood stage height, and reduce damage to properties and populations;

(C) providing for acquisition and easement of flood-prone land and properties in order to reduce damage to property and risk to populations; or

(D) promoting land use planning that prevents future floodplain development;

(11) conducting and completing studies or assessments to project how changing hydrologic conditions may impact the future operations and sustainability of water systems; or

(12) developing and implementing measures to increase the resilience of water systems and regional and hydrological basins, including the Colorado River Basin, to rapid hydrologic change or a natural disaster (such as tsunami, earthquake, flood, or volcanic eruption).

(c) APPLICATION.—To seek a grant under this Act, the owner or operator of a water system shall submit to the Administrator an application that—

(1) includes a proposal for the program, strategy, or infrastructure improvement to be planned, designed, constructed, implemented, or maintained by the water system;

(2) provides the best available research or data that demonstrate—

(A) the risk to the water resources or infrastructure of the water system as a result of ongoing or forecasted changes to the hydrological system of a region, including rising sea levels and changes in precipitation patterns; and

(B) the manner in which the proposed program, strategy, or infrastructure improvement would perform under the anticipated hydrologic conditions;

(3) describes the manner in which the proposed program, strategy, or infrastructure improvement is expected—

(A) to enhance the resiliency of the water system, including source water protection for community water systems, to the anticipated hydrologic conditions; or

(B) to increase efficiency in the use of energy or water of the water system; and

(4) describes the manner in which the proposed program, strategy, or infrastructure improvement is consistent with an applicable State, tribal, or local climate adaptation plan, if any.

(d) PRIORITY.—

(1) WATER SYSTEMS AT GREATEST AND MOST IMMEDIATE RISK.—In selecting grantees under this Act, subject to section 4(b), the Administrator shall give priority to owners or operators of water systems that are, based on the best available research and data, at the greatest and most immediate risk of facing significant negative impacts due to changing hydrologic conditions.

(2) GOALS.—In selecting among applicants described in paragraph (1), the Administrator shall ensure that, to the maximum extent practicable, the final list of applications funded for each year includes a substantial number that propose to use innovative approaches to meet 1 or more of the following goals:

(A) Promoting more efficient water use, water conservation, water reuse, or recycling.

(B) Using decentralized, low-impact development technologies and nonstructural approaches, including practices that use, enhance, or mimic the natural hydrological cycle or protect natural flows.

(C) Reducing stormwater runoff or flooding by protecting or enhancing natural ecosystem functions.

(D) Modifying, upgrading, enhancing, or replacing existing water system infrastructure in response to changing hydrologic conditions.

(E) Improving water quality or quantity for agricultural and municipal uses, including through salinity reduction.

(F) Providing multiple benefits, including to water supply enhancement or demand reduction, water quality protection or improvement, increased flood protection, and ecosystem protection or improvement.

(e) COST-SHARING REQUIREMENT.—

(1) FEDERAL SHARE.—The share of the cost of any program, strategy, or infrastructure improvement that is the subject of a grant awarded by the Administrator to the owner or operator of a water system under subsection (a) paid through funds distributed under this Act shall not exceed 50 percent of the cost of the program, strategy, or infrastructure improvement.

(2) CALCULATION OF NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of a program, strategy, or infrastructure improvement proposed by a water system in an application submitted under subsection (c), the Administrator shall—

(A) include the value of any in-kind services that are integral to the completion of the program, strategy, or infrastructure improvement, including reasonable administrative and overhead costs; and

(B) not include any other amount that the water system involved receives from the Federal Government.

(f) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Administrator shall submit to Congress a report that—

(1) describes the progress in implementing this Act; and

(2) includes information on project applications received and funded annually under this Act.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $50,000,000 for each of fiscal years 2012 through 2016.

(b) REDUCTION OF FLOOD DAMAGE, RISK, AND VULNERABILITY.—Of the amount made available to carry out this Act for a fiscal year, not more than 20 percent may be made available to grantees for activities described in subsection (b)(10).

By Mr. CARDIN (for himself, Mr. BLUMENTHAL, Mr. DURBIN, Mrs. GILLIBRAND, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MENENDEZ, Ms. MIKULSKI, and Ms. STABENOW):

S. 1670. A bill to eliminate racial profiling by law enforcement, and for other purposes; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, today I am introducing legislation in the Senate that would prohibit the use of racial profiling by Federal, State, or local law enforcement agencies. The End Racial Profiling Act, ERPA, had been introduced in previous Congresses by former Senator Russ Feingold of Wisconsin and I am proud to follow his example. I want to thank Senators BLUMENTHAL, DURBIN, GILLIBRAND, KERRY, LAUTENBERG, LEVIN, MENENDEZ, MIKULSKI, and STABENOW for joining me as original co-sponsors of this legislation.

Racial profiling is ineffective. The more resources that are spent investigating individuals solely because of their race or religion, the fewer resources are being directed at suspects actually demonstrating illegal behavior. Former DHS Secretary Michael Chertoff stated in response to questions about the December 2001 bomb attempt by Richard Reid that ''the problem is that the profile many people think they have of what a terrorist is doesn't fit the reality . . . and in fact, one of the things the enemy does is to deliberately recruit people who are Western in background or in appearance, so that they can slip by people who might be stereotyping.''

Racial profiling diverts scarce resources from real law enforcement. In my own state of Maryland, in the 1990's, the ACLU brought a class-action lawsuit against the Maryland State Police for illegally targeting African-American motorists for stops and searches along Maryland's highways. The parties ultimately entered into a federal court consent decree in 2003 in which they made a joint statement that emphasized in part ''the need to treat motorists of all races with respect, dignity, and fairness under the

law is fundamental to good police work and a just society. The parties agree that racial profiling is unlawful and undermines public safety by alienating communities ''

Racial profiling demonizes entire communities and perpetuates negative stereotypes based on an individual's race, ethnicity, or religion. Earlier this year, I spoke out on the Senate floor and in the Senate Judiciary Committee to share my thoughts on the hearings held in the House of Representatives entitled ''The Extent of Radicalization in the American Muslim Community and that Community's Response'' chaired by Congressman PETER KING. This hearing served only to fan flames of fear and division. This spectacle crossed the line and chipped away at the religious freedoms and civil liberties we hold so dearly. Radicalization may be the appropriate subject of a Congressional hearing but not when it is limited to one religion. When that is done, it sends the wrong message to the public and casts a religion with unfounded suspicions.

I agree with Attorney General Holder's remarks to the American-Arab Anti-Discrimination Committee, where he stated that ''in this nation, security and liberty are—at their best—partners, not enemies, in ensuring safety and opportunity for all . . . I've spoken to Arab-Americans who feel that they have not been afforded the full rights—or, just as important, the full responsibilities—of their citizenship. They tell me that, too often, it feels like 'us versus them.' That is intolerable . . . In this Nation, the document that sets forth the supreme law of the land—the Constitution—is meant to empower, not exclude . . . Racial profiling is wrong. It can leave a lasting scar on communities and individuals. And it is, quite simply, bad policing—whatever city, whatever state.''

Using racial profiling makes it less likely that certain affected communities will voluntarily cooperate with law enforcement and community policing efforts. Minorities living and working in these communities may also feel discouraged from travelling freely, and it corrodes the public's trust in government.

The bill I am introducing today, the End Racial Profiling Act, would build on Department of Justice's current ''Guidance Regarding the Use of Race by Federal Law Enforcement Agencies'' issued in 2003. This official DOJ guidance certainly was a step forward, but it does not have adequate provisions for data collection and enforcement for state and local agencies. The DOJ guidance also does not have the force of law.

ERPA would prohibit the use of racial profiling by Federal, State, or local law enforcement agencies. The bill clearly defines racial profiling to include race, ethnicity, national origin, or religion as protected classes. It requires training of law enforcement officers to ensure that they understand the law and its prohibitions. It creates procedures for receiving, investigating, and resolving complaints about racial profiling. It would apply equally to Federal, State, and local law enforcement, which creates consistent standards at all levels of government.

The vast majority of our law enforcement officials that put their lives on the line every day handle their jobs with professionalism, diligence, and fidelity to the rule of law. However, Congress and the Justice Department can still take further steps to prohibit racial profiling and root out its use. I look forward to working with my colleagues to enact this legislation.

By Mr. AKAKA (for himself and Mrs. FEINSTEIN):

S. 1673. A bill to establish the Office of Agriculture Inspection within the Department of Homeland Security, which shall be headed by the Assistant Commissioner for Agriculture Inspection, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Safeguarding American Agriculture Act of 2011, with Senator FEINSTEIN.

With the recent ten-year anniversary of the September 11 terrorist attacks, it is appropriate to reflect on the significant changes our country has undertaken to strengthen our homeland defenses. We must examine how well we are protecting the American people and our way of life today, and, where vulnerabilities remain, take decisive action to bolster our defenses. The act we introduce today does just this, by seeking to strengthen our Nation's agricultural import and entry inspection functions to better safeguard American agriculture and natural resources against foreign pests and disease.

Invasive species arrive at U.S. ports of entry every day, often hidden in the wooden crates, pallets, and shipping containers used to transport agricultural cargo, or concealed in the imported goods themselves. Failure to detect and intercept these non-native pests and diseases imposes serious economic and social costs on all Americans.

The U.S. Department of Agriculture estimates that foreign pests and disease already cost the U.S. economy tens of billions of dollars annually in lower crop values, eradication programs, emergency payments to farmers, and increased costs for food and other natural resources. The invasive asian stink bug, for example, is ravaging mid-Atlantic crops, often destroying significant portions of apple, peach, blackberry, raspberry, strawberry, tomato, pepper, sweet corn, and soybean harvests. The bug continues to spread despite ongoing Federal, State, and local eradication efforts. Invasive species threaten our competitiveness in international trade when trading partners decide to stop importing U.S. agricultural products due to the presence of an invasive pest or disease. For example, Japan continues to ban the importation of fresh potatoes from Idaho due to a 2006 outbreak of Potato Cyst Nematode in the State. A research team comprised of biologists and economists from U.S. and Canadian universities and the U.S. Forest Service published a study last month finding that invasive wood-boring pests, such as the emerald ash borer and the asian longhorned beetle, cost homeowners an estimated $830 million a year in lost property values and cost local governments an estimated $1.7 billion a year as a result of damaged trees and woodlands. Worst of all, according to the U.S. Government Accountability Office, the accidental or deliberate introduction of a foreign disease, such as avian influenza or foot-and-mouth disease, would likely result in catastrophic economic losses for our Nation and take lives.

In light of the current and potential staggering economic costs of invasive species—which fall on businesses, taxpayers, and local governments that have no way to avoid the harm it is clear that focusing on prevention, specifically improving agricultural import and entry inspection operations at our ports of entry, is a very cost-effective strategy.

Of course, economic costs are just one aspect of the severe consequences that can result from foreign pests and disease slipping through our ports. In my home State of Hawai'i, which is home to more endangered species per square mile than any other area on the planet, invasive species and disease could permanently devastate our fragile ecosystem. In many regions of the country, invasive species threaten native fish prized by fisherman, and destroy wetlands that support waterfowl hunting. Even an important part of our American tradition and pastime, baseball, is at stake. For the past 127 years in Kentucky, Louisville Slugger, the world's largest and oldest maker of baseball bats, has manufactured high quality baseball bats from northern white ash trees harvested in Pennsylvania and New York. However, the company is very concerned that the destructive emerald ash borer beetle, which has already destroyed millions of ash trees in several States, including Michigan, Wisconsin, Ohio, Pennsylvania, and New York, could lead to the extinction of northern white ash trees, preventing Louisville Slugger from providing future generations with the company's famous ash bats.

Following the attacks of September 11, Congress passed the Homeland Security Act of 2002, which unified Federal customs, immigration, and agriculture inspection officers under the new U.S. Department of Homeland Security. The decision to transfer frontline agricultural import and entry inspection functions from the Department of Agriculture's Animal and Plant Health Inspection Service, or APHIS, into the Department of Homeland Security's Customs and Border

Protection, or CBP, was a controversial decision.

I have long been concerned that the transfer resulted in significant disruptions to the agriculture mission and undermined the effectiveness of agricultural inspections. Other Members of Congress have expressed similar concerns, and there have even been efforts to remove agricultural inspection responsibilities from the Department of Homeland Security and return them to the Department of Agriculture.

While I understand these sentiments, as Chairman of the Subcommittee on Oversight of Government Management, I understand that such drastic reorganizations are often costly and disruptive. In light of our Nation's fiscal challenges, I have concluded it is most efficient and effective to focus on strengthening the agricultural inspection mission within CBP, which in recent years, has made meaningful progress in stabilizing the agency's agricultural import and entry inspection operations.

The Safeguarding American Agriculture Act seeks to build upon these gains and fully achieve important measures of success identified in the June 2007 Report of the APHIS-CBP Joint Task Force on Improved Agriculture Inspection, which stated ''Success will be accomplished when the agriculture function within CBP is positioned prominently throughout the organization. The potential introduction of plant and animal pest and diseases will be regarded with the same fervor as all other mission areas within CBP.''

The Act would enhance the priority of, and accountability for, the agriculture mission by establishing within CBP an Office of Agriculture Inspection led by an Assistant Commissioner responsible for improving agricultural inspections across the Nation. This provision would improve efficiency and coordination by unifying agriculture policy development with agriculture operations. An agricultural chain of command that extends from the Assistant Commissioner for Agriculture Inspection to frontline agriculture specialists at the ports would also effectively address a key issue the task force identified in its 2007 report: ''Management and leadership infrastructure supporting the agriculture mission in CBP should be staffed and empowered at levels equivalent to other functional mission areas in CBP.''

Under the present organizational structure, the Deputy Executive Director for CBP's office of Agriculture Operational Oversight within the office of Agriculture Programs and Trade Liaison, which falls under the Office of Field Operations, is responsible for improving oversight of the agricultural mission across all CBP field offices by ensuring a more consistent application of agriculture inspection policy. However, the Deputy Executive Director lacks operational authority over the agriculture mission. Moreover, the dissemination and implementation of agricultural policy at the ports is ultimately at the discretion of CBP Officers who typically do not have agriculture expertise and are primarily focused on the critical mission of preventing terrorists and terrorist weapons from entering the country.

To maintain a highly skilled and motivated agriculture specialist workforce, the Act would require CBP to create a comprehensive agriculture specialist career track that identifies appropriate career paths and ensures that agriculture specialists receive the training, experience, and assignments necessary for successful career. The bill also would require CBP to develop plans to improve agriculture specialist recruitment and retention and to make sure agriculture specialists have the necessary equipment and resources to effectively carry out their mission.

To strengthen critical working relationships and promote interagency experience, the Act would authorize the Secretary of Homeland Security and the Secretary of Agriculture to establish an interagency rotation program for CBP and APHIS personnel.

Taken together, the enhancements contained in the Safeguarding American Agriculture Act of 2011 would elevate the stature of the agriculture mission in CBP to match the magnitude of the challenge posed by invasive pests and disease. I strongly urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1673

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 ''Safeguarding American Agriculture Act of 2011''.

SEC. 2. ESTABLISHMENT OF THE OFFICE OF AGRICULTURE INSPECTION.

Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended by inserting after section 421 the following:

''SEC. 421a. OFFICE OF AGRICULTURE INSPECTION.

''(a) ESTABLISHMENT.—There is established within U.S. Customs and Border Protection an Office of Agriculture Inspection, which shall be headed by an Assistant Commissioner.

''(b) AGRICULTURE SPECIALIST CAREER TRACK.—

''(1) IN GENERAL.—The Secretary, acting through the Commissioner of U.S. Customs and Border Protection, and in consultation with the Assistant Commissioner for Agriculture Inspection—

''(A) shall identify appropriate career paths for customs and border protection agriculture specialists, including the education, training, experience, and assignments necessary for career progression within U.S. Customs and Border Protection;

''(B) shall publish information on the career paths identified under paragraph (1); and

''(C) may establish criteria by which appropriately qualified customs and border protection technicians may be promoted to customs and border protection agriculture specialists.

''(c) EDUCATION, TRAINING, AND EXPERIENCE.—The Secretary, acting through the Commissioner of U.S. Customs and Border Protection, and in consultation with the Assistant Commissioner for Agriculture Inspection, shall provide customs and border protection agriculture specialists the opportunity to acquire the education, training, and experience necessary to qualify for promotion within U.S. Customs and Border Protection.

''(d) AGRICULTURE SPECIALIST RECRUITMENT AND RETENTION.—Not later than 270 days after the date of the enactment of the Safeguarding American Agriculture Act of 2011, the Secretary, acting through the Commissioner of U.S. Customs and Border Protection, and in consultation with the Assistant Commissioner for Agriculture Inspection, shall develop a plan to more effectively recruit and retain qualified customs and border protection agriculture specialists. The plan shall include—

''(1) numerical goals for recruitment and retention; and

''(2) the use of recruitment incentives, as appropriate and permissible under existing laws and regulations.

''(e) EQUIPMENT SUPPORT.—Not later than 270 days after the date of the enactment of the Safeguarding American Agriculture Act of 2011, the Commissioner of U.S. Customs and Border Protection, in consultation with the Assistant Commissioner for Agriculture Inspection, shall—

''(1) determine the minimum equipment and other resources that are necessary at U.S. Customs and Border Protection agriculture inspection stations and facilities to enable customs and border protection agriculture specialists to fully and effectively carry out their mission;

''(2) complete an inventory of the equipment and other resources available at each U.S. Customs and Border Protection agriculture inspection station and facility;

''(3) identify the necessary equipment and other resources that are not currently available at agriculture inspection stations and facilities; and

''(4) develop a plan to address any resource deficiencies identified under paragraph (3).

''(f) INTERAGENCY ROTATION PROGRAM.—The Secretary of Homeland Security and the Secretary of Agriculture are authorized to enter into an agreement that—

''(1) establishes an interagency rotation program; and

''(2) provides for personnel of the Animal and Plant Health Inspection Service of the Department of Agriculture to take rotational assignments within the Office of Agriculture Inspection and vice versa for the purposes of strengthening working relationships between agencies and promoting interagency experience.''.

SEC. 3. REPORT.

Not later than 270 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner of U.S. Customs and Border Protection, and in consultation with the Assistant Commissioner for Agriculture Inspection, shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and that Committee on Homeland Security of the House of Representatives that describes—

(1) the status of the implementation of the action plans developed by the Animal and Plant Health Inspection Service-U.S. Customs and Border Protection Joint Task Force on Improved Agriculture Inspection;

(2) the findings of the Commissioner under paragraphs (1), (2), and (3) of section 421a(e)

of the Homeland Security Act of 2002, as added by section 2; and

(3) the plan described in paragraph (4) of such section 421a(e).

(4) the implementation of the remaining requirements under such section 421a; and

(5) any additional legal authority that the Secretary determines to be necessary to effectively carry out the agriculture inspection mission of the Department of Homeland Security.

By Mr. REED:

S. 1674. A bill to improve teacher quality, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the Effective Teaching and Leading Act to foster the development of highly skilled and effective educators.

We are working towards reauthorizing the Elementary and Secondary Education Act—ESEA—this Congress for the first time since 2001. One of my highest priorities for reauthorization is to build the capacity of our Nation's schools to enhance the effectiveness of teachers, principals, school librarians, and other school leaders.

Decades of research have demonstrated that improving educator and principal quality as well as greater family involvement are the keys to raising student achievement and turning around struggling schools. To strengthen teaching and school leadership, the Effective Teaching and Leading Act would amend Title II of the Elementary and Secondary Education Act, ESEA, to provide targeted assistance to schools to develop and support effective teachers, school librarians, principals, and school leaders through implementation of comprehensive induction, professional development, and evaluation systems.

Every year across the country thousands of teachers leave the profession—many within their first years of teaching. A report by the National Commission on Teaching and America's Future has estimated that the nationwide cost of replacing public school teachers who have dropped out of the profession is $7.3 billion annually.

Fortunately, we have some proven strategies to support teachers that will keep them in our schools. Evidence has shown that providing new teachers with comprehensive mentoring and support during their two years reduces teacher attrition by as much as half and increases student learning gains. The Effective Teaching and Leading Act would help schools implement the key elements of effective multi-year mentoring and induction for beginning teachers.

The bill also significantly revises ESEA's current definition of ''professional development'' to foster an ongoing culture of teacher, principal, school librarian, and staff collaboration throughout schools. All too often current professional development still consists of isolated, check-the-box activities instead of helping educators engage in sustained professional learning that is regularly evaluated for its impact on classroom practice and student achievement. Effective professional development is collaborative, job-embedded, and data-driven.

It is also clear that evaluation systems have an important role to play in teacher and principal development. Through Race to the Top and other initiatives many states and school systems are focusing on reforming their evaluation systems. When evaluation is done right, it provides teachers and principals with individualized ongoing feedback on their strengths and weaknesses and offers a path to improvement. The Effective Teaching and Leading Act would require school districts to establish rigorous, fair, and transparent evaluation systems that use multiple measures, including growth in student achievement.

Principals and school leaders also have a critical role to play in leading school improvement efforts and managing a collaborative culture of ongoing professional learning and development. Research has shown that leadership is second only to classroom instruction among school-related factors that influence student outcomes. As such, this bill would provide ongoing high-quality professional development to principals and school leaders, including multi-year induction and mentoring for new administrators.

Recognizing the importance of creating career advancement and leadership opportunities for teachers, the Effective Teaching and Leading Act supports opportunities for teachers to serve as mentors, instructional coaches, or master teachers, or take on increased responsibility for professional development, curriculum, or school improvement activities and calls for significant and sustainable stipends for teachers that take on these new roles and responsibilities.

The bill also addresses working conditions that are so critical for effective teaching. Under the legislation, districts would conduct surveys of the working and learning conditions educators face so this data could be used to better target investments and support.

Improving teaching and school leadership is not simply a matter of sorting the good teachers and principals from the bad. What is needed is a comprehensive and integrated approach that supports new teachers and leaders as they enter the profession; provides on-going professional development that helps them improve and their students to achieve; and that fairly assesses performance and provides feedback for improvement. This is the approach taken by the Effective Teaching and Leading Act.

I worked with a range of education organizations in developing this bill, including the American Federation of Teachers; American Association of Colleges for Teacher Education; Association for Supervision and Curriculum Development; National Association of Elementary School Principals; National Association of Secondary School Principals; National Board for Professional Teaching Standards; Learning Forward; and the New Teacher Center. I thank them for their input and support for the bill.

I urge my colleagues to cosponsor the Effective Teaching and Leading Act and work for its inclusion in the upcoming reauthorization of the Elementary and Secondary Education Act.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

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

S. 1674

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 ''Effective Teaching and Leading Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Teacher quality is the single most important in-school factor influencing student learning and achievement.

(2) A report by William L. Sanders and June C. Rivers showed that if 2 average 8-year-old students were given different teachers, 1 of them a high performer, the other a low performer, the students' performance diverged by more than 50 percentile points within 3 years.

(3) A similar study by Heather Jordan, Robert Mendro, and Dash Weerasinghe showed that the performance gap between students assigned 3 effective teachers in a row, and those assigned 3 ineffective teachers in a row, was 49 percentile points.

(4) In Boston, research has shown that students placed with high-performing mathematics teachers made substantial gains, while students placed with the least effective teachers regressed and their mathematics scores decreased.

(5) McKinsey & Company found that studies that take into account all of the available evidence on teacher effectiveness suggest that students placed with high-performing teachers will progress 3 times as fast as those placed with low-performing teachers.

(6) A 2003 study by Richard Ingersoll found that new teachers, not just those in hard-to-staff schools, face such challenging working conditions that nearly one-half leave the profession within their first 5 years, one-third leave within their first 3 years, and 14 percent leave by the end of their first year.

(7) A report by the National Commission on Teaching and America's Future estimated that the nationwide cost of replacing public school teachers who have dropped out of the profession is $7,300,000,000 annually.

(8) A randomized controlled trial of comprehensive teacher induction, sponsored by the Institute of Education Sciences found that beginning teachers who received 2 years of induction support produced greater student learning gains as a result, the equivalent of a student moving from the 50th to 58th percentile in mathematics achievement and from the 50th to 54th percentile in reading achievement.

(9) Research by Thomas Smith, Richard Ingersoll, Michael Strong, Anthony Villar, and

Jonah Rockoff has shown that comprehensive mentoring and induction reduces teacher attrition by as much as one-half and strengthens new teacher effectiveness.

(10) A recent School Redesign Network at Stanford University and National Staff Development Council report by Linda Darling-Hammond, Ruth Chung Wei, Alethea Andree, Nikole Richardson, and Stelios Orphanos found that—

(A) a set of programs that offered substantial contact hours of professional development (ranging from 30 to 100 hours in total) spread over 6 to 12 months showed a positive and significant effect on student achievement gains; and

(B) intensive professional development, especially when it includes applications of knowledge to teachers' planning and instruction, has a greater chance of influencing teacher practices, and in turn, leading to gains in student learning, and such intensive professional development has shown a positive and significant effect on student achievement gains, in some cases by approximately 21 percentile points.

(11) Teachers can acquire and use new knowledge and skills in their instruction when provided with adequate opportunities to learn, according to ''Student Achievement Through Staff Development'' published by ASCD, which found that more than 90 percent of participants attained skill proficiency if it includes theory presentation, demonstration, practice, and peer coaching.

(12) Recent reports from the Center for American Progress, Education Sector, Hope Street Group, and the New Teacher Project have collectively demonstrated the significant flaws in current teacher evaluation and implementation, and the necessity for redesigning these systems and linking such evaluation to individualized feedback and substantive targeted support in order to ensure effective teaching.

(13) Research by Kenneth Leithwood, Karen Seashore Louis, Stephen Anderson, and Kyla Wahlstrom found that—

(A) leadership is second only to classroom instruction among school-related factors that influence student outcomes; and

(B) direct and indirect leadership effects account for about one-quarter of total school effects on student learning.

(14) Research by Charles Clotfelter, Helen Ladd, Kenneth Leithwood, Anthony Milanowski, and the New Teacher Center has shown that the quality of working conditions, particularly supportive school leadership, impacts student academic achievement and teacher recruitment, retention, and effectiveness.

(15) Since 1965, more than 60 education and library studies have produced clear evidence that school libraries staffed by qualified librarians have a positive impact on student academic achievement, with a recent analysis of reading scores from 2004–2009 showing that fewer librarians translated to lower performance, or a slower rise in scores, on standardized tests.

(b) PURPOSES.—The purposes of this Act are to build capacity for developing effective teachers and principals in our Nation's schools through—

(1) the redesign of teacher and principal evaluation and assessment systems;

(2) comprehensive, high-quality, rigorous, multi-year induction and mentoring programs for beginning teachers, principals, and other school leaders;

(3) systematic, sustained, and coherent professional development for all teachers that is team-based and job-embedded;

(4) systematic, sustained, and coherent professional development for school principals, other school leaders, school librarians, paraprofessionals, and other staff; and

(5) increased teacher leadership opportunities, including compensation for teacher leaders who take on new roles in providing school-based professional development, mentoring, rigorous evaluation, and instructional coaching.

SEC. 3. DEFINITIONS.

Section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) is amended—

(1) by striking paragraph (34) and inserting the following:

''(34) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means comprehensive, sustained, and intensive support, provided for teachers, principals, school librarians, other school leaders, and other instructional staff, that—

''(A) fosters collective responsibility for improved student learning;

''(B) is designed and implemented in a manner that increases teacher, principal, school librarian, other school leader, paraprofessional, and other instructional staff effectiveness in improving student learning and strengthening classroom practice;

''(C) analyzes and uses—

''(i) real-time data and information collected from—

''(I) evidence of student learning;

''(II) evidence of classroom practice; and

''(III) the State's longitudinal data system; and

''(ii) other relevant data collected by the school or local educational agency;

''(D) is aligned with—

''(i) rigorous State student academic achievement standards developed under section 1111(b)(1);

''(ii) related academic and school improvement goals of the school, local educational agency, and statewide curriculum;

''(iii) statewide and local curricula; and

''(iv) rigorous standards of professional practice and development;

''(E) includes frequently scheduled, significant blocks of time during the regular school day among established collaborative teams of teachers, principals, school librarians, other school leaders, and other instructional staff, by grade level and content area (to the extent applicable and practicable), which teams engage in a continuous cycle of professional learning and improvement that—

''(i) identifies, reviews, and analyzes—

''(I) evidence of student learning; and

''(II) evidence of classroom practice;

''(ii) defines a clear set of educator learning goals to improve student learning and strengthen classroom practice based on the rigorous analysis of evidence of student learning and evidence of classroom practice;

''(iii) develops and implements coherent, sustained, and evidenced-based professional development strategies to meet such goals (including through instructional coaching, lesson study, and study groups organized at the school, team, or individual levels);

''(iv) provides learning opportunities for teachers to collectively develop and refine student learning goals and the teachers' instructional practices and the use of formative assessment;

''(v) provides an effective mechanism to support the transfer of new knowledge and skills to the classroom (including utilizing teacher leaders, instructional coaches, school librarians, and content experts to support such transfer); and

''(vi) provides opportunities for follow-up, observation, and formative feedback and assessment of the teacher's classroom practice, on a regular basis and in a manner that allows each such teacher to identify areas of classroom practice that need to be strengthened, refined, and improved;

''(F) regularly assesses the effectiveness of the support, and uses such assessments to inform ongoing improvements, in—

''(i) improving student learning; and

''(ii) strengthening classroom practice; and

''(G) supports the recruiting, hiring, and training of highly qualified teachers, including teachers who become highly qualified through State and local alternative routes to certification or licensure.'';

(2) by adding at the end the following:

''(44) EVIDENCE OF CLASSROOM PRACTICE.—The term 'evidence of classroom practice' means evidence of practice gathered from a classroom through multiple formats and sources, including some or all of the following:

''(A) Demonstration of effective teaching skills.

''(B) Classroom observations based on rigorous teacher performance standards or rubrics.

''(C) Student work.

''(D) Teacher portfolios.

''(E) Videos of teacher practice.

''(F) Lesson plans.

''(G) Information on the extent to which the teacher collaborates and shares best practices with other teachers and instructional staff.

''(H) Information on the teacher's successful use of research and data.

''(I) Parent, student, and peer feedback.

''(45) EVIDENCE OF STUDENT LEARNING.—The term 'evidence of student learning' means—

''(A) valid and reliable data on student learning, which shall include data based on student learning gains on State student academic assessments under section 1111(b)(3) and other State student academic achievement assessments, where available; and

''(B) other evidence of student learning, including some or all of the following:

''(i) Student work, including measures of performance criteria and evidence of student growth.

''(ii) Teacher-generated information about student goals and growth.

''(iii) Parental feedback about student goals and growth.

''(iv) Formative assessments.

''(v) Summative assessments.

''(vi) Objective performance-based assessments.

''(vii) Assessments of affective engagement and self-efficacy.

''(46) LOWEST ACHIEVING SCHOOL.—The term 'lowest achieving school' means a school served by a local educational agency that—

''(A) is failing to make adequate yearly progress as described in section 1111(b)(2), for the greatest number of subgroups described in section 1111(b)(2)(C)(v) and by the greatest margins, as compared to the other schools served by the local educational agency; and

''(B) in the case of a secondary school, has a graduation rate of less than 65 percent.

''(47) SCHOOL LEADER.—The term 'school leader' means an individual who—

''(A) is an employee or officer of a school; and

''(B) is responsible for—

''(i) the school's performance; and

''(ii) the daily instructional and managerial operations of the school.

''(48) TEACHING SKILLS.—The term 'teaching skills' means skills that enable a teacher to—

''(A) increase student learning, achievement, and the ability to apply knowledge;

''(B) effectively convey and explain academic subject matter;

''(C) actively engage students and personalize learning;

''(D) effectively teach higher-order analytical, evaluation, problem-solving, and communication skills;

''(E) develop and effectively apply new knowledge, skills, and practices;

''(F) employ strategies grounded in the disciplines of teaching and learning that—

''(i) are based on empirically based practice and scientifically valid research, where applicable, related to teaching and learning;

''(ii) are specific to academic subject matter;

''(iii) focus on the identification of students' specific learning needs, (including children with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels), and the tailoring of academic instruction to such needs; and

''(iv) enable effective inclusion of children with disabilities and English language learners, including the utilization of—

''(I) response to intervention;

''(II) positive behavioral supports;

''(III) differentiated instruction;

''(IV) universal design of learning;

''(V) appropriate accommodations for instruction and assessments;

''(VI) collaboration skills;

''(VII) skill in effectively participating in individualized education program meetings required under section 614 of the Individuals with Disabilities Education Act; and

''(VIII) evidence-based strategies to meet the linguistic and academic needs of English language learners;

''(G) conduct an ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measures higher-order thinking skills (including application, analysis, synthesis, and evaluation);

''(H) effectively manage a classroom, including the ability to implement positive behavioral support strategies;

''(I) communicate and work with parents, and involve parents in their children's education; and

''(J) use age-appropriate and developmentally appropriate strategies and practices.

''(49) FORMATIVE ASSESSMENT.—The term 'formative assessment' means a process used by teachers and students during instruction that provides feedback to adjust ongoing teaching and learning to improve students' achievement of intended instructional outcomes.''.

(3) by redesignating paragraphs (1) through (39), the undesignated paragraph following paragraph (39), and paragraphs (41) through (49) (as amended by this section) as paragraphs (1) through (18), (21), (22), (24) through (29), (31) through (40), (42) through (47), (49), (19), (20), (30), (41), (48), and (23), respectively.

SEC. 4. SCHOOL IMPROVEMENT.

Section 1003(g)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6303(g)(5)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) in subparagraph (C), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(D) permitted to be used to supplement the activities required under section 2502.''.

SEC. 5. TEACHER AND PRINCIPAL PROFESSIONAL DEVELOPMENT AND SUPPORT.

(a) IN GENERAL.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

''PART E—BUILDING SCHOOL CAPACITY FOR EFFECTIVE TEACHING AND LEADERSHIP

''SEC. 2501. LOCAL SCHOOL IMPROVEMENT ACTIVITIES.

''(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) GRANTS.—From amounts made available under section 2505, the Secretary shall award grants, through allotments under paragraph (3)(A), to States to enable the States to award subgrants to local educational agencies under this part.

''(2) RESERVATIONS.—A State that receives a grant under this part for a fiscal year shall—

''(A) reserve 95 percent of the funds made available through the grant to make subgrants, through allocations under paragraph (3)(B), to local educational agencies; and

''(B) use the remainder of the funds for—

''(i) administrative activities and technical assistance in helping local educational agencies carry out this part;

''(ii) statewide capacity building strategies to support local educational agencies in the implementation of the required activities under section 2502; and

''(iii) conducting the evaluation required under section 2504.

''(3) FORMULAS.—

''(A) ALLOTMENTS.—The allotment provided to a State under this section for a fiscal year shall bear the same relation to the total amount available under this part for such allotments for the fiscal year, as the allotment provided to the State under section 2111(b) for such year bears to the total amount available under such section 2111(b) for such allotments for such year.

''(B) ALLOCATIONS.—The allocation provided to a local educational agency under this section for a fiscal year shall bear the same relation to the total amount available under this part for such allocations for the fiscal year, as the allocation provided to the local educational agency under section 2121(a) for such year bears to the total amount available for such allocations for such year.

''(4) SCHOOLS FIRST SUPPORTED.—A local educational agency receiving a subgrant under this part shall first use such funds to carry out the activities described in section 2502(a) in each lowest achieving school served by the local educational agency—

''(A) that demonstrates the greatest need for subgrant funds based on the data analysis described in subsection (b)(3); and

''(B) in which not less than 40 percent of the students enrolled in the school are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(b) LOCAL EDUCATIONAL AGENCY APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a subgrant under this part, a local educational agency shall submit to the State educational agency an application described in paragraph (2), and a summary of the data analysis conducted under paragraph (3), at such time, in such manner, and containing such information as the State educational agency may reasonably require.

''(2) CONTENTS OF APPLICATION.—Each application submitted pursuant to paragraph (1) shall include—

''(A) a description of how the local educational agency will assist the lowest achieving schools served by the local educational agency in carrying out the requirements of section 2502, including—

''(i) developing and implementing the teacher and principal evaluation system pursuant to section 2502(a)(3);

''(ii) implementing teacher induction programs pursuant to section 2502(a)(1);

''(iii) providing effective professional development in accordance with section 2502(a)(2);

''(iv) implementing mentoring, coaching, and sustained professional development for school principals and other school leaders pursuant to section 2502(a)(4); and

''(v) providing significant and sustainable teacher stipends, pursuant to section 2502(a)(6);

''(B) a description of how the local educational agency will—

''(i) conduct and utilize valid and reliable surveys pursuant to section 2502(b); and

''(ii) ensure that such programs are integrated and aligned pursuant to section 2502(c);

''(C)(i) a description of how the local educational agency will use subgrant funds to target and support the lowest achieving schools described in subsection (a)(4) before using funds for other lowest achieving schools; and

''(ii) a list that identifies all of the lowest achieving schools that will be assisted under the subgrant;

''(D) a description of how the local educational agency will enable effective inclusion of children with disabilities and English language learners, including through utilization by the teachers, principals, and other school leaders of the local educational agency of—

''(i) response to intervention;

''(ii) positive behavioral supports;

''(iii) differentiated instruction;

''(iv) universal design of learning;

''(v) appropriate accommodations for instruction and assessments;

''(vi) collaboration skills;

''(vii) skill in effectively participating in individualized education program meetings required under section 614 of the Individuals with Disabilities Education Act; and

''(viii) evidence-based strategies to meet the linguistic and academic needs of English language learners;

''(E) a description of how the local educational agency will assist the lowest achieving schools in utilizing real-time student learning data, based on evidence of student learning and evidence of classroom practice, to—

''(i) inform instruction; and

''(ii) inform professional development for teachers, mentors, principals, and other school leaders;

''(F) a description of how the programs and assistance provided under section 2502 will be managed and designed, including a description of the division of labor and different roles and responsibilities of local educational agency central office staff members, school leaders, teacher leaders, coaches, mentors, and evaluators; and

''(G) a description of how the local educational agency will work with institutions of higher education and local teacher and principal preparation programs to improve the performance of beginning teachers and principals, improve induction programs, and strengthen professional development.

''(3) DATA ANALYSIS.—A local educational agency desiring a subgrant under this part shall, prior to applying for the subgrant, conduct a data analysis of each school served by the local educational agency, based on data and information collected from evidence of student learning, evidence of classroom practice, and the State's longitudinal data system, in order to—

''(A) determine which schools have the most critical teacher, principal, school librarian, and other school leader quality, effectiveness, and professional development needs; and

''(B) allow the local educational agency to identify the specific needs regarding the quality, effectiveness, and professional development needs of the school's teachers, principals, librarians, and other school leaders, including with respect to instruction provided for individual student subgroups (including children with disabilities and

English language learners) and specific grade levels and content areas.

''(4) JOINT DEVELOPMENT AND SUBMISSION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a local educational agency shall—

''(i) jointly develop the application and data analysis framework under this subsection with local organizations representing the teachers, principals, and other school leaders in the local educational agency; and

''(ii) submit the application and data analysis in partnership with such local teacher, principal, and school leader organizations.

''(B) EXCEPTION.—A State may, after consultation with the Secretary, consider an application from a local educational agency that is not jointly developed and submitted in accordance with subparagraph (A) if the application includes documentation of the local educational agency's extensive attempt to work jointly with local teacher, principal, and school leader organizations.

''SEC. 2502. USE OF FUNDS.

''(a) INDUCTION, PROFESSIONAL DEVELOPMENT, AND EVALUATION SYSTEM.—A local educational agency that receives a subgrant under this part shall use the subgrant funds to improve teaching and school leadership through a system of teacher and principal induction, professional development, and evaluation. Such system shall be developed, implemented, and evaluated in collaboration with local teacher, principal, and school leader organizations and local teacher, principal, and school leader preparation programs and shall provide assistance to each school that the local educational agency has identified under section 2501(b)(2)(C)(ii), to—

''(1) implement a comprehensive, coherent, high-quality formalized induction program for beginning teachers during not less than the teachers' first 2 years of full-time employment as teachers with the local educational agency, that shall include—

''(A) rigorous mentor selection by school or local educational agency leaders with mentoring and instructional expertise, including requirements that the mentor demonstrate—

''(i) a proven track record of improving student learning;

''(ii) strong interpersonal skills;

''(iii) exemplary teaching skills, particularly with diverse learners, including children with disabilities and English language learners;

''(iv) not less than 5 years teaching experience;

''(v) commitment to personal and professional growth and learning, such as National Board for Professional Teaching Standards certification;

''(vi) willingness and experience in using real-time data, as well as school and classroom level practices that have demonstrated the capacity to—

''(I) improve student learning and classroom practice; and

''(II) inform instruction and professional growth;

''(vii) a commitment to participate in professional development throughout the year to develop the knowledge and skills related to effective mentoring; and

''(viii) the ability to improve the effectiveness of the mentor's mentees, as assessed by the evaluation system described in paragraph (3);

''(B) a program of high-quality, intensive, and ongoing mentoring and mentor-teacher interactions that—

''(i) ensures that new teachers are supported in ways that help improve content-specific knowledge and pedagogy, including by matching mentors with beginning teachers by grade level and content area;

''(ii) assists each beginning teacher in—

''(I) analyzing data based on the beginning teacher's evidence of student learning and evidence of classroom practice, and utilizing research-based instructional strategies, including differentiated instruction, to inform and strengthen such practice;

''(II) developing and enhancing effective teaching skills;

''(III) enabling effective inclusion of children with disabilities and English language learners, including through the utilization of—

''(aa) response to intervention;

''(bb) positive behavioral supports;

''(cc) differentiated instruction;

''(dd) universal design of learning;

''(ee) appropriate accommodations for instruction and assessments;

''(ff) collaboration skills;

''(gg) skill in effectively participating in individualized education program meetings required under section 614 of the Individuals with Disabilities Education Act; and

''(hh) evidence-based strategies to meet the linguistic and academic needs of English language learners;

''(IV) using formative evaluations to—

''(aa) collect and analyze classroom-level data;

''(bb) foster evidence-based discussions;

''(cc) provide opportunities for self assessment;

''(dd) examine classroom practice; and

''(ee) establish goals for professional growth; and

''(V) achieving the goals of the school, district, and statewide curricula;

''(iii) provides regular and ongoing opportunities for beginning teachers to observe exemplary teaching in classroom settings during the school day;

''(iv) aligns with the mission and goals of the local educational agency and school;

''(v)(I) acts as a vehicle for a beginning teacher to establish short- and long-term planning and professional goals and to improve student learning and classroom practice; and

''(II) guides, monitors, and assesses the beginning teacher's progress toward such goals;

''(vi) assigns not more than 12 beginning teacher mentees to a mentor who is released full-time from classroom teaching, and reduces such maximum number of mentees proportionately for a mentor who works on a part-times basis;

''(vii) provides joint professional development opportunities for mentors and beginning teachers;

''(viii) may include the use of master teachers to support mentors or other teachers; and

''(ix) improves student learning and classroom practice, as measured by the evaluation system described in paragraph (3);

''(C) paid school release time that allows for at least weekly high-quality mentoring and mentor-teacher interactions;

''(D) foundational training and ongoing professional development for mentors that support the high-quality mentoring and mentor-teacher interactions described in subparagraph (B);

''(E) use of research-based teaching standards, formative assessments, teacher portfolio processes (such as the National Board for Professional Teaching Standards certification process), and teacher development protocols that support the high-quality mentoring and mentor-teacher interactions described in subparagraph (B); and

''(F) feedback on the performance of beginning teachers to local teacher preparation programs and recommendations for improving such programs;

''(2) implement high-quality effective professional development for teachers, principals, school librarians, and other school leaders serving the schools targeted for assistance under the subgrant;

''(3) develop and implement a rigorous, transparent, and equitable teacher and principal evaluation system for all schools served by the local educational agency that—

''(A)(i) provides formative individualized feedback to teachers and principals on areas for improvement;

''(ii) provides for substantive support and interventions targeted specifically on such areas of improvement; and

''(iii) results in summative evaluations;

''(B) differentiates the effectiveness of teachers and principals using multiple rating categories that take into account evidence of student learning;

''(C) shall be developed, implemented, and evaluated in partnership with local teacher and principal organizations; and

''(D) includes—

''(i) valid, clearly defined, and reliable performance standards and rubrics for teacher evaluation based on multiple performance measures, which shall include a combination of—

''(I) evidence of classroom practice; and

''(II) evidence of student learning as a significant factor;

''(ii) valid, clearly defined, and reliable performance standards and rubrics for principal evaluation based on multiple performance measures of student learning and leadership skills, which standards shall include—

''(I) planning and articulating a shared and coherent schoolwide direction and policy for achieving high standards of student performance;

''(II) identifying and implementing the activities and rigorous curriculum necessary for achieving such standards of student performance;

''(III) supporting a culture of learning, collaboration, and professional behavior and ensuring quality measures of instructional practice;

''(IV) communicating and engaging parents, families, and other external communities; and

''(V) collecting, analyzing, and utilizing data and other tangible evidence of student learning and evidence of classroom practice to guide decisions and actions for continuous improvement and to ensure performance accountability;

''(iii) multiple and distinct rating options that allow evaluators to—

''(I) conduct multiple classroom observations throughout the school year;

''(II) examine the impact of the teacher or principal on evidence of student learning and evidence of classroom practice;

''(III) specifically describe and compare differences in performance, growth, and development; and

''(IV) provide teachers or principals with detailed individualized feedback and evaluation in a manner that allows each teacher or principal to identify the areas of classroom practice that need to be strengthened, refined, and improved;

''(iv) implementing a formative and summative evaluation process based on the performance standards established under clauses (i) and (ii);

''(v) rigorous training for evaluators on the performance standards established under clauses (i) and (ii) and the process of conducting effective evaluations, including how to provide specific feedback and improve teaching and principal practice based on evaluation results;

''(vi) regular monitoring and assessment of the quality and fairness of the evaluation

system and the evaluators' judgements, including with respect to—

''(I) inter-rater reliability, including independent or third-party reviews;

''(II) student assessments used in the evaluation system;

''(III) the performance standards established under clauses (i) and (ii);

''(IV) training and qualifications of evaluators; and

''(V) timeliness of teacher and principal evaluations and feedback;

''(vii) a plan and substantive targeted support for teachers and principals who fail to meet the performance standards established under clauses (i) and (ii);

''(viii) a streamlined, transparent, fair, and objective due process for documentation and removal of teacher and principals who fail to meet such performance standards, as governed by any applicable collective bargaining agreement or State law and after substantive targeted and reasonable support has been provided to such teachers and principals; and

''(ix) in the case of a local educational agency in a State that has a State evaluation framework, the alignment of the local educational agency's evaluation system with, at a minimum, such framework and the requirements of this paragraph;

''(4) implement ongoing high-quality support, coaching, and professional development for principals and other school leaders serving the schools targeted for assistance under such subgrant, which shall—

''(A) include a comprehensive, coherent, high-quality formalized induction program outside the supervisory structure for beginning principals and other school leaders, during not less than the principals' and other school leaders' first 2 years of full-time employment as a principal or other school leader in the local educational agency, to develop and improve the knowledge and skills described in subparagraph (B), including—

''(i) a rigorous mentor or coach selection process based on exemplary administrative expertise and experience;

''(ii) a program of ongoing opportunities throughout the school year for the mentoring or coaching of beginning principals and other school leaders, including opportunities for regular observation and feedback;

''(iii) foundational training and ongoing professional development for mentors or coaches; and

''(iv) the use of research-based leadership standards, formative and summative assessments, or principal and other school leader protocols (such as the National Board for Professional Teaching Standards Certification for Educational Leaders program or the 2008 Interstate School Leaders Licensure Consortium Standards);

''(B) improve the knowledge and skills of school principals and other school leaders in—

''(i) planning and articulating a shared and clear schoolwide direction, vision, and strategy for achieving high standards of student performance;

''(ii) identifying and implementing the activities and rigorous student curriculum and assessments necessary for achieving such standards of performance;

''(iii) managing and supporting a collaborative culture of ongoing learning and professional development and ensuring quality evidence of classroom practice (including shared or distributive leadership and providing timely and constructive feedback to teachers to improve student learning and strengthen classroom practice);

''(iv) communicating and engaging parents, families, and local communities and organizations (including engaging in partnerships among elementary schools, secondary schools, and institutions of higher education to ensure the vertical alignment of student learning outcomes);

''(v) collecting, analyzing, and utilizing data and other tangible evidence of student learning and classroom practice (including the use of formative and summative assessments) to—

''(I) guide decisions and actions for continuous instructional improvement; and

''(II) ensure performance accountability;

''(vi) managing resources and school time to ensure a safe and effective student learning environment; and

''(vii) designing and implementing strategies for differentiated instruction and effectively identifying and educating diverse learners, including children with disabilities and English language learners; and

''(C) provide feedback on the performance of beginning principals and other school leaders to local principal and leader preparation programs and recommendations for improving such programs;

''(5)(A) create or enhance opportunities for teachers and school librarians to assume new school leadership roles and responsibilities, including—

''(i) serving as mentors, instructional coaches, or master teachers; or

''(ii) assuming increased responsibility for professional development activities, curriculum development, or school improvement and leadership activities; and

''(B) provide training for teachers who assume such school leadership roles and responsibilities; and

''(6) provide significant and sustainable stipends above a teacher's base salary for teachers that serve as mentors, instructional coaches, teacher leaders, or evaluators under the programs described in this subsection.

''(b) SURVEY.—A local educational agency receiving a subgrant under this part shall conduct a valid and reliable full population survey of teaching and learning, at the school and local educational agency level, and include, as topics in the survey, not less than the following elements essential to improving student learning and retaining effective teachers:

''(1) Instructional planning time.

''(2) School leadership.

''(3) Decisionmaking processes.

''(4) Professional development.

''(5) Facilities and resources, including the school library.

''(6) Beginning teacher induction.

''(7) School safety and environment.

''(c) INTEGRATION AND ALIGNMENT.—The system described in subsection (a) shall—

''(1) integrate and align all of the activities described in such subsection;

''(2) be informed by, and integrated with, the results of the survey described in subsection (b);

''(3) be aligned with the State's school improvement efforts under sections 1116 and 1117; and

''(4) be aligned with the programs funded under title II of the Higher Education Act of 1965 and other professional development programs authorized under this Act.

''(d) ELIGIBLE ENTITIES.—The assistance required to be provided under this section may be provided—

''(1) by the local educational agency; or

''(2) by the local educational agency, in collaboration with—

''(A) the State educational agency;

''(B) an institution of higher education;

''(C) a nonprofit organization;

''(D) a teacher organization;

''(E) a principal or school leader organization;

''(F) an educational service agency;

''(G) a teaching residency program; or

''(H) another nonprofit entity with experience in helping schools improve student achievement.

''SEC. 2503. RULE OF CONSTRUCTION.

''Nothing in this part shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

''SEC. 2504. PROGRAM EVALUATION.

''(a) IN GENERAL.—Each program required under section 2502(a) shall include a formal evaluation system to determine, at a minimum, the effectiveness of each such program on—

''(1) student learning;

''(2) retaining teachers and principals, including differentiating the retainment data by profession and by the level of performance of the teachers and principals, based on the evaluation system described in section 2502(a)(3);

''(3) teacher, principal, and other school leader practice, which shall include, for teachers and principals, practice measured by the teacher and principal evaluation system described in section 2502(a)(3);

''(4) student graduation rates, as applicable;

''(5) teaching, learning, and working conditions;

''(6) parent, family, and community involvement and satisfaction;

''(7) student attendance rates;

''(8) teacher and principal satisfaction; and

''(9) student behavior.

''(b) LOCAL EDUCATIONAL AGENCY AND SCHOOL EFFECTIVENESS.—The formal evaluation system described in subsection (a) shall also measure the effectiveness of the local educational agency and school in—

''(1) implementing the comprehensive induction program described in section 2502(a)(1);

''(2) implementing high-quality professional development described in section 2502(a)(2);

''(3) developing and implementing a rigorous, transparent, and equitable teacher and principal evaluation system described in section 2502(a)(3);

''(4) implementing mentoring, coaching, and professional development for school principals and other school leaders described in section 2502(a)(4);

''(5) ensuring that mentors, teachers, and schools are using data to inform instructional practices; and

''(6) ensuring that the comprehensive induction and high-quality mentoring required under section 2502(a)(1) and the high impact professional development required under section 2502(a)(2) are integrated and aligned with the State's school improvement efforts under sections 1116 and 1117.

''(c) CONDUCT OF EVALUATION.—The evaluation described in subsection (a) shall be—

''(1) conducted by the State, an institution of higher education, or an external agency that is experienced in conducting such evaluations; and

''(2) developed in collaboration with groups such as—

''(A) experienced educators with track records of success in the classroom;

''(B) institutions of higher education involved with teacher induction and professional development located within the State; and

''(C) local teacher, principal, and school leader organizations.

''(d) DISSEMINATION.—

''(1) IN GENERAL.—The results of the evaluation described in subsection (a) shall be submitted to the Secretary.

''(2) DISSEMINATION.—The Secretary shall make the results of each evaluation described in subsection (a) available to States, local educational agencies, and the public.

''SEC. 2505. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2012 and each succeeding fiscal year.''.

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 2441 the following:

''PART E—BUILDING SCHOOL CAPACITY FOR EFFECTIVE TEACHING AND LEADERSHIP

''Sec. 2501. Local school improvement activities.
''Sec. 2502. Use of funds.
''Sec. 2503. Rule of Construction.
''Sec. 2504. Program evaluation.
''Sec. 2505. Authorization of appropriations.''.

By Mr. WYDEN:

S.J. Res. 28. A joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Bahrain; to the Committee on Foreign Relations.

Mr. WYDEN. Mr. President, I rise today to introduce a Congressional Joint Resolution to prevent the sale of $53 million worth of arms to the Government of Bahrain.

As I witness the series of extraordinary events that are sweeping across the Arab world, I am reminded of our own history, and America's struggle that led to the ideas that are enshrined in our Constitution. Freedom of speech. Freedom of religion. The right of people to peaceably assemble, and to petition their government for a redress of grievances. The Arab Spring, reminds us that these freedoms are indeed universally sought.

The United States should stick up for individuals seeking such freedoms. not reward those who violently suppress such aspirations.

Selling weapons to the Government of Bahrain right now is about as backwards as a teacher giving the playground bully a pair of brass knuckles instead of putting him in detention. When the rulers of Bahrain are committing human right abuses against peaceful protesters, should we really be rewarding this type of behavior?

First, some context. Protests erupted in Bahrain on the heels of protests in neighboring Tunisia and Egypt, as part of what is being called the Arab Spring. For many years the Shiite majority of Bahrain has been ruled by a Sunni royal family that has excluded most Shiites from political power and economic opportunity. When the people of Bahrain went to the streets to protest, the government responded with crushing force. Police opened fire on unarmed demonstrators, killing seven and seriously wounding hundreds. Protestors and dissident leaders were rounded up and arrested.

It is estimated that 30 people have been killed by government security forces since the start of these largely peaceful protests. Government agencies also fired more than 2,500 people suspected of sympathizing with the protestors and their democratic demands. A special military court was established by decree and has convicted over 100 people on dubious grounds.

Recently, 20 doctors who were caught treating wounded protestors were sentenced to prison terms as long as 15 years. One of the doctors said she was tortured and threatened with rape while in custody. In explaining the reason for her offense, the doctor said ''My only crime is I did my job; I helped people.'' Amnesty International has pointed out that an increasing number of cases involving civilians arrested are now being primarily tried in military court, without due process.

Human Rights Watch also reports that four people have died in custody. Their suspected cause of death is torture, and medical neglect. Leading political opposition figures who are demanding democratic reforms have been sentenced, in some cases, to life in prison, solely for their role in organizing peaceful protests.

Life in prison just for trying to hold their government democratically accountable. Just because they want the same opportunities as their Sunni neighbors. Just because they want to petition their government for a redress of grievances. I read these reports and I ask myself what our own constitutional framers would have to say about such actions.

So what's the Administration's response to Bahrain's actions? What's our government's response to these human rights violations? Well, Mr. President, the Administration has publicly called for an end to the violence. Secretary Clinton has said that the murder of unarmed protesters must stop.

However, at the same time, the Administration formally notified Congress on September 14 of its plans to sell the ruling regime of Bahrain 44 Armored High Mobility Multipurpose Wheeled Vehicles, over 200 anti-tank missiles and 50 bunker buster missiles, 48 missile launchers, spare parts, support and test equipment, personnel training and training equipment, technical and logistics support services, among other things, all for 53 million dollars. The State Department also notified Congress that it is preparing to send $15.5 million in Foreign Military Financing to Bahrain.

Like I said we are giving the bully brass knuckles—and then some.

Should our country really reward a regime that has stifled its citizen's freedom of speech; a regime that has openly fired on peacefully assembled protestors; a regime who has tortured doctors for simply treating their fellow citizens?

I cannot support this sale while these abuses continue. That is why I, along with my colleague Congressman MCGOVERN in the House of Representatives, am introducing this Congressional joint resolution. I hope my colleagues will join me in sending a message to Bahrain that we will not reward human rights abuses.

To quote from the President's address to the United Nations General Assembly last month: ''Something is happening in our world. The way things have been is not the way they will be. The humiliating grip of corruption and tyranny is being pried open. Technology is putting power in the hands of the people. The youth are delivering a powerful rebuke to dictatorship, and rejecting the lie that some races, religions and ethnicities do not desire democracy.'' Well it is clear that the people of Bahrain desire greater democracy and opportunity and we should not be rewarding their oppressors with an arms sale at this time. Colleagues, please join me in cosponsoring this Congressional joint resolution.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 28

Whereas the Kingdom of Bahrain is a party to several international human rights instruments, including the International Covenant on Civil and Political Rights, adopted December 16, 1966, and entered into force March 23, 1976, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984;

Whereas the Government of Bahrain had made several notable human rights reforms during the 2000s;

Whereas, despite those reforms, significant human rights concerns remained in early 2011, including the alleged mistreatment of detained persons and the discrimination against certain Bahraini citizens in the political, economic, and professional spheres of Bahrain;

Whereas this discrimination has included the banning of particular religious groups from holding specific government positions, including the military and security services, without reasonable justification;

Whereas hundreds of thousands of protesters in the Kingdom of Bahrain have significantly intensified their calls for government reform and respect for human rights starting in February 2011;

Whereas independent observers, including the Department of State, Human Rights Watch, Human Rights First, Amnesty International, and Freedom House, found that the majority of protesters have been peaceful in their demands, and that acts of violence by protesters have been rare;

Whereas the Government of Bahrain has systematically suppressed the protests through a wide range of acts constituting serious and grave violations of human rights;

Whereas, according to the Project of Middle East Democracy, at least 32 people have been killed by the Government of Bahrain's security forces since February 2011;

Whereas at least three deaths occurred while the individuals were in detention, according to the Ministry of Interior of the Government of Bahrain;

Whereas there have been credible reports from Human Rights Watch, Human Rights

First, Physicians for Human Rights, and the Bahrain Center for Human Rights of severe mistreatment of detainees, including acts rising to the level of torture;

Whereas the Government of Bahrain has investigated and prosecuted individuals who were only peacefully exercising their rights to freedom of expression, political opinion, and assembly;

Whereas the Government of Bahrain has continued to prosecute civilians, including medical professionals, in military-security courts;

Whereas cases continued to be tried in the military-security courts despite promises by the Government of Bahrain to transfer those cases to civilian venues;

Whereas the military-security courts' procedures and actions severely limited due process rights or complied with due process formally rather than substantively;

Whereas the Government of Bahrain's recent promises to have civilian courts hear the appeals from military-security courts are insufficient to rectify the due process violations that occurred at the trial stage;

Whereas the Government of Bahrain has moved quickly to prosecute and sentence political opponents to lengthy prison terms, while at the same time slowly investigating, or failing to investigate at all, government and security officials who appear to have committed or assisted in human rights violations against political opponents;

Whereas Physicians for Human Rights has documented that the Government of Bahrain's security forces have targeted medical personnel by abducting medical workers, abusing patients, intimidating wounded protesters from accessing medical treatment, and sentencing medical professionals to lengthy prison terms in the military-security courts for protesting the government's interference in treating injured protesters;

Whereas the Government of Bahrain has destroyed more than 40 Shi'a mosques and religious sites throughout Bahrain since February 2011;

Whereas Bahrain's legislative lower house, the Council of Representatives (Majlis an-nuwab) is constituted of disproportionately drawn districts that violates the principle of equal suffrage for Bahraini citizens, particularly the Shi'a community;

Whereas the Government of Bahrain employed tactics of retribution against perceived political opponents, dismissing more than 2,500 workers, academics, medics, and other professionals from their places of employment;

Whereas the Government of Bahrain has violated international labor standards through the dismissals of the aforementioned citizens;

Whereas the Department of Labor has received an official complaint regarding the failure of the Government of Bahrain to live up to its commitments with respect to workers' rights under its Free Trade Agreement with the United States;

Whereas the state-run media of Bahrain have gone beyond legitimate criticism of political opponents towards explicitly and implicitly threatening the physical safety and integrity of those opponents specifically and the Shi'a community generally, creating greater animosity amongst the entire population and making reconciliation of all Bahraini citizens more difficult;

Whereas the Government of Bahrain has expelled international journalists and stopped issuing visas to journalists on grounds that do not appear to be justified by legitimate safety or security concerns;

Whereas the Department of State included Bahrain among a list of countries necessitating additional human rights scrutiny in a June 15, 2011, submission to the United Nations Human Rights Council;

Whereas the Government of Bahrain has taken limited positive measures in recent months, including agreeing to allow the establishment of the Bahrain Independent Commission of Inquiry (BICI) composed of well-renowned international human rights experts who are authorized to investigate human rights violations and recommend measures for accountability;

Whereas the BICI human rights report is due to be submitted to the Government of Bahrain on October 30, 2011;

Whereas the Department of Defense notified Congress on September 14, 2011, of a proposed military arms sale to Bahrain worth approximately $53,000,000;

Whereas the Department of State notified Congress on September 13, 2011, of a proposed obligation of Foreign Military Funds in the amount of $15,461,000 for the upgrading and maintenance of certain military equipment;

Whereas other military allies of the United States, including the United Kingdom, France, Spain, and Belgium, have suspended or limited certain licenses and arms sales to Bahrain since February 2011;

Whereas evidence gathered from protesters by the Bahrain Center for Human Rights indicated that tear gas canisters used against peaceful protesters contained markings which showed they were manufactured in the United States; and

Whereas providing military equipment and provisions for upgrades to a government that commits human rights violations and that has undertaken insufficient measures to seek reform and accountability is at odds with United States foreign policy goals of promoting democracy, human rights, accountability, and stability: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON CERTAIN PROPOSED SALES OF DEFENSE ARTICLES AND DEFENSE SERVICES TO THE KINGDOM OF BAHRAIN.

(a) LIMITATION.—The issuance of a letter of offer with respect to each proposed sale of defense articles and defense services to the Kingdom of Bahrain referred to in subsection (b) is hereby prohibited unless the Secretary of State certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that—

(1) the Government of Bahrain is conducting good faith investigations and prosecutions of alleged perpetrators responsible for the killing, torture, arbitrary detention, and other human rights violations committed since February 2011;

(2) the prosecutions of alleged perpetrators in paragraph (1) is being carried out in transparent judicial proceedings conducted in full accordance with Bahrain's international legal obligations;

(3) the Government of Bahrain has ceased all acts of torture and other inhumane treatment in its detention facilities;

(4) the Government of Bahrain has released and withdrawn criminal charges against all individuals who were peacefully exercising their right to freedom of expression, political opinion, and assembly;

(5) the Government of Bahrain is permitting nondiscriminatory medical treatment of the sick and injured, and is ensuring unhindered access to medical care and treatment for all patients;

(6) the Government of Bahrain is protecting all Shi'a mosques and religious sites and is rebuilding all Shi'a mosques and religious sites destroyed since February 2011;

(7) the Government of Bahrain has redrawn the districts of the Council of Representatives (Majlis an-nuwab) in a proportional manner that allots the same number of residents, or reasonably nearly the same number of residents with minimal variation, for each district;

(8) the Government of Bahrain has lifted restrictions on government employment, including in the military and security forces, based on discriminatory grounds such as religion and political opinion;

(9) the Government of Bahrain has reinstated all public and government-invested enterprises' employees who were dismissed from their workplace for peacefully exercising their right to freedom of expression, political opinion, and assembly;

(10) the Government of Bahrain has set standards for private sector compliance covering the reinstatement of its employees who were dismissed from their workplace for peacefully exercising their right to freedom of expression, political opinion, and assembly;

(11) the Government of Bahrain is protecting the right of all individuals, including political opponents of the Government, to peacefully exercise their right to freedom of expression, political opinion, and assembly without fear of retribution;

(12) the Government of Bahrain has ceased using the media under its control to threaten the physical safety and integrity of political opponents and other Bahraini citizens, particularly those in the Shi'a community;

(13) the Government of Bahrain is permitting the entry of international journalists to Bahrain except in extremely exceptional cases where the Government clearly shows with evidence and in good faith that the entry of an international journalist is a legitimate safety or security concern;

(14) the Bahrain Commission of Inquiry (BICI) has submitted its final report to the Government of Bahrain;

(15) the BICI's final report's factual findings and conclusions are consistent with information known to the Secretary of State about the human rights violations occurring in Bahrain since February 2011;

(16) the Government of Bahrain is undertaking good faith implementation of all recommendations from the BICI's final report that address alleged human rights violations by the Government of Bahrain since February 2011; and

(17) the Government of Bahrain has undertaken a good faith dialogue among all key stakeholders in Bahrain which is producing substantive recommendations for genuine reforms that meet the reasonable democratic aspirations of Bahrain's citizens and comply with universal human rights standards.

(b) PROPOSED SALES OF DEFENSE ARTICLES AND DEFENSE SERVICES.—The proposed sales of defense articles and defense services to the Government of Bahrain referred to in this subsection are those specified in the certifications transmitted to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate pursuant to section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) on September 14, 2011 (Transmittal Number 10–71).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 288—DESIGNATING THE WEEK BEGINNING OCTOBER 9, 2011, AS ''NATIONAL WILDLIFE REFUGE WEEK''

Mr. COONS (for himself, Mr. SESSIONS, Mr. CARDIN, Mr. ALEXANDER, Mrs. MURRAY, Mr. LIEBERMAN, Mr.